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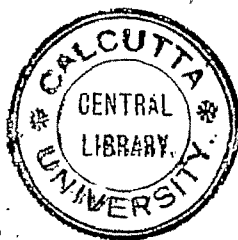
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The American Political Science Review

VOL. XXXVIII

FEBRUARY, 1944

NO. 1

CIVIL LIBERTY AFTER THE WAR*

ROBERT E. CUSHMAN

Cornell University

No nation has ever fought a tough war without overriding for the duration some of the civil liberties of its people. The war we are fighting is more than a tough war; it is a mortal struggle in which the life of constitutional democracy throughout the world is at stake. It presents a new kind of challenge to the vitality of American civil liberty. We know from grim experience that in the peace which follows a tough war, civil liberty faces new and increased dangers. High-keyed energies and emotions, suddenly released, seek a new outlet. Wartime patriotism tends to become peacetime intolerance, and wherever there is intolerance, the traditional civil liberties of unpopular minority groups are in grave danger of being brutally suppressed. The peace which will follow the war we are now fighting will be without precedent in the complexity of its problems, the power of the emotional reactions which it will generate, and the strength of the triumphant determination of our people to preserve intact the fruits of victory. This peace will bring in its wake an unprecedented temptation to abridge some of our basic civil liberties; and this new threat will be very dangerous indeed. This is the general subject which I wish to explore.

What I have to say falls into three parts. First, I wish to review some of the salient features of our national experience with civil liberty problems down to the eve of the present war; and by experience I mean our thinking about these problems as well as our behavior with respect to them. My purpose here is to provide a sort of historical backdrop, crudely painted, against which the vitality

* Presidential address delivered before the American Political Science Association at its thirty-ninth annual meeting, Washington, D. C., January 22, 1944.

important civil liberty problems of the war and of the peace may stand out in sharp relief. Second, I wish to show that the challenge to American civil liberty presented by the present war and by the coming peace is entirely unique, since it places us in the dilemma in which we must either extend freedom of speech, press, and assembly to the cynical and unprincipled enemies of democracy, or place legal restrictions upon the peaceful and orderly public expression of political opinion. Third, I shall state my own position on this highly controversial question and give my reasons for holding it. In this discussion I am using the term "civil liberties" to refer to guarantees of free speech, free press, free assembly, free religion, freedom from arbitrary arrest, and the like, which comprise the most fundamental provisions in our federal Bill of Rights—those civil liberties which Mr. Justice Cardozo referred to as "the very essence of a scheme of ordered liberty . . . the fundamental principles of liberty and justice which lie at the basis of all our civil and political institutions."

In approaching the first part of my task, I shall not attempt any connected history of civil liberty in this country or any philosophical analysis of its nature and limits. Rather I shall discuss first the way in which as a people we have grown accustomed to think about our civil liberties, and then I shall indicate the nature and the source of the two chief dangers which have thus far threatened them. In any bird's-eye view of our national experience with civil liberty, one is struck by the highly conventionalized pattern of thought with which the American people have come to view civil liberty and the other principles of our democracy. This habit of thought and feeling has been built in part upon reason, in part upon considered experience, and in part upon national self-confidence, self-satisfaction, and wishful thinking. It takes the form of a settled conviction that in constitutional democracy, mankind has discovered the true way of life. Our definition of constitutional democracy may not have very sharp edges, but the term means to us a political society in which government rests upon the will of the people functioning through the mechanism of majority rule, and in which the basic civil liberties of minorities are carefully safeguarded. Only by keeping alive freedom of speech, freedom of press, and freedom of assembly do we make it possible for minorities by peaceful persuasion to become majorities; and only thus do we assure ourselves that the will of the people shall prevail. We have

come to attribute to these principles the sanctity of a revealed religion. We do not argue about them or attempt to defend them; we just accept them as eternal verities which have emerged from the experience of mankind. Furthermore, assuming that in the long run reason governs the behavior of men and nations, we have developed a sublime confidence, perhaps tinged a bit with smugness, that these principles of democracy and civil liberty will finally prevail throughout the earth. We tend to measure the political maturity or backwardness of peoples in terms of their appreciation and acceptance of these doctrines. While we have maintained friendly relations with nations in which constitutional democracy and civil liberty have not been fully established, we have been inclined to regard them with a slightly patronizing pity. We have felt that they must surely be somewhat apologetic for their shortcomings, and must be looking forward to the time when truth and wisdom will triumph and they will be full partners in the family of truly democratic states.

This national pattern of thought has had important practical consequences. Our thinking and our behavior with respect to freedom of speech, freedom of press, and freedom of assembly have jogged along in the comfortable confidence that the permanent security and manifest destiny of constitutional democracy and its accompanying civil liberties are infallibly assured. We have felt that we have safely achieved fundamental agreement upon the basic principles on which American government rests. If this is true, then the most generous range of freedom of speech, press, and assembly could involve no actual danger to the public security or the stability of our institutions. Majorities and minorities might succeed each other in our political or economic life, but no minority would ever emerge and become influential in this free country which was not itself loyal to the basic principles of constitutional democracy and civil liberty. Minority opinions might be shocking, might arouse bitter resentment, might viciously attack majority policy, but they would never actually challenge the soundness of our basic system of government or threaten its safety. The occasional revolutionary crackpot or the anarchist was merely the exception which proved the general rule. He could be ignored until he actually misbehaved, and then he could be put in jail; but his theories and his arguments were discussed and analyzed as freely as scientists discuss the symptoms of a disease. We had set up no political taboos.

There were no political or economic subjects which law-abiding people might not discuss in print or in orderly public meetings.

I do not mean that we always practiced what we preached. There have been many suppressions of freedom of speech, press, and assembly caused by the intolerance of public opinion or the brutality of public officials. But until the present war we never had in our midst a minority which was bent upon destroying democracy itself and suppressing civil liberty. We never had to face the question whether we were bound by the tenets of our faith to extend freedom of speech, press, and assembly to those who viewed those basic freedoms with contempt and sought to use them to undermine the constitutional democracy which keeps them alive. In short, we have never sacrificed any of the theory of civil liberty or the scope of civil liberty, nor have we been seriously tempted to do so. As a people and as a government, we still stand for the same kind and degree and range of civil liberty which we have known and enjoyed for a century and a half.

Our national official attitude toward Communism proves the point I am making. An enormous number of Americans view the doctrines of Communism with alarm, regard them as destructive of the basic pattern of American economic life, and would be glad to prevent the spread of those doctrines. Here is an acid test of our loyalty to the principles of freedom of speech and freedom of press, a strong and continuing temptation to sacrifice these principles. Such sacrifices have been made in the laws of some American states. But Congress has not forbidden the public advocacy of the principles of a communistic society, or any other kind of economic doctrine. It has forbidden only the advocacy of the overthrow of government by violence, or membership in a political party or society which does so. And so I think we may safely say that we entered the present world crisis, if not with a wholly clear conscience with respect to our actual management of civil liberty problems, at least without having compromised in any way the basic principles of civil liberty, without having rationalized any of our freedoms out of existence. Our thinking about our civil liberties had remained orthodox and confident.

Against the background of this habit of thought, let us examine and appraise the chief dangers which have thus far threatened our civil liberties and see what scars they may have left. And the first of these dangers has come from the major wars which we have

fought. Any major war may present two entirely different threats to the civil liberties of the people of the fighting nations. One of these is an internal threat, which almost always becomes a reality, in the form of restrictions upon civil liberty necessary, or allegedly necessary, to military success and the national security. The other threat may be wholly external and lies in the possibility of military defeat by a victorious nation which would destroy the civil liberties of a conquered people.

In discussing in this connection our own list of wars, we may relegate to a footnote the War of 1812, the Mexican War, and the Spanish-American War. These were minor wars and in none of them did we restrict civil liberty at home, or face any external danger to the security of our institutions. The American Civil War, however, was a dangerous challenge to our power and existence as a united nation. Defeat of the Union armies by those of the Confederacy seemed imminent again and again, and final victory was achieved by a narrow margin. And yet if we appraise the impact of this bitter struggle on the civil liberties of the American people, several interesting facts stand out. In the first place, we fought the Civil War without placing any legislative restrictions upon freedom of speech, press, or assembly. Congress passed no Espionage Act and no Sedition Act. The issues of the war were discussed widely and publicly by those who supported the Union cause and by those who did not. In the second place, such invasions of civil liberty as did occur during the Civil War stemmed from executive and military action, and these were frankly defended on grounds of military necessity. As President Lincoln put it, "Often a limb must be amputated to save a life, but a life is never wisely given to save a limb. I felt that measures otherwise unconstitutional might become lawful by being indispensable to the preservation of the Constitution through the preservation of the nation." We should be grateful to Lincoln for thus candidly rationalizing his invasions of civil liberty on these narrow grounds of military necessity and national self-preservation, for by so doing he prevented those arbitrary acts from becoming precedents to be followed in time of peace. In the third place, the Civil War was fought by two sections of this country whose peoples shared the same political traditions and were equally attached to the principles of constitutional democracy and civil liberty. The federal Bill of Rights was incorporated bodily into the Constitution of the Confederate States. Whichever side won the

war, constitutional democracy and civil liberty would remain secure.

World War I, however, presented a different picture. It brought an internal sacrifice of civil liberty more serious than any the American people had suffered before. We were psychologically and in every other way unprepared to deal with the civil liberty problems which suddenly crashed upon us when we entered the war against Germany. Congress and state legislatures passed sweeping restrictions of freedom of speech, press, and assembly. These were drastically, and often brutally, enforced by federal and state law enforcement officers urged on by a public opinion which in many parts of the country became hysterically intolerant of any real freedom of public discussion or public criticism of national policy. Nearly five thousand people were prosecuted for unlawful speeches, unlawful publications, or unlawful meetings. Nearly two thousand of these were sent to prison, some of them for thirty years. And many of the crimes for which these people were punished consisted of the saying and printing of the sorts of things which have steadily appeared in some sections of the American press ever since Pearl Harbor and are appearing every day. The record of our behavior with respect to civil liberty during World War I is not one in which the thoughtful citizen can take much pride or satisfaction.

It is equally clear, however, that World War I did not involve any serious external threat to the safety of our institutions, or any ideological assault upon the principles of constitutional democracy. We entered the war against the Central Powers to discipline the military caste in two nations which had become too arrogant and too predatory in playing the old game of European power politics. When President Wilson asked Congress to declare war on Germany in order "to make the world safe for democracy," he was not suggesting that American democracy was in danger. He was protesting against big nations overrunning little nations. We fought an Imperial Germany which still gave its people complete security of property and of person, and a substantial measure of freedom of speech, freedom of press, and freedom of assembly. It did not subscribe to any Bill of Rights of an Anglo-American pattern, but it conducted its internal affairs in accordance with a generally liberal scheme of political values, except in those cases in which military discipline was involved. We did not call the German government a democracy, although it did not lack democratic elements. But we

accorded a substantial measure of respect to the institutions of a country in whose universities most of our older scholars had studied political science and public administration. We were fighting an insolent imperialism, but we were not fighting a crude and ruthless totalitarianism, which, having enslaved its own people, was bent upon destroying American democracy and civil liberty. We were not conscious of any serious external threat to the integrity of our institutions.

Thus we may conclude that the dangers to our civil liberty, and the sacrifices of civil liberty which until now have come from the pressures of war, have been internal dangers and sacrifices. They have been the penalties we have suffered for our own disregard of our avowed principles. We have never before fought a war in which the integrity and continuance of our constitutional democracy and civil liberty have been among the issues of the struggle.

The other important threat to our civil liberties which stands out in any review of our national experience in this field is of a very different kind. It has been a peacetime threat, though it has by no means ceased in time of war. I refer to the assaults upon civil liberty and the substantial sacrifices of it which have come from the determined efforts of one vested interest or another to protect its own security and its privileged relation to other groups or institutions from the undermining influence of criticism and hostile propaganda.

In the days before religious toleration had been achieved in England and in this country, dominant church organizations or religious sects constituted vested interests which sought thus to protect themselves by violations of the civil liberties of dissenters ranging all the way from physical torture down to the confiscation of property and the denial of political privileges. Since complete freedom and equality of religion have been achieved, assuming that they have been achieved, the vested interests which in their efforts at self-preservation have menaced civil liberties have been interests based upon property. I shall not attempt to mention all of these vested economic interests, but only enough to make my point clear.

Perhaps the earliest and most conspicuous vested economic interest to seek to protect itself at the expense of freedom of speech, freedom of press, freedom of assembly, and freedom of petition was the Southern slave-owning aristocracy. In the life-struggle of the institution of Negro slavery before the Civil War, no holds were

barred, as the fate of many an abolitionist agitator clearly showed. The "peculiar institution" of the South was disposed to brook no public criticism, no argument, no peaceful efforts to effect its dissolution or weaken its power. Next came the long and bitter struggle of American employers of labor to protect what they believed to be their vested right to dictate the terms of the labor contract. The efforts of workmen to form labor unions, to strike, to picket, and to bargain collectively with their employers through representatives of their own choosing seemed to the rugged individualists of the eighties and nineties direct assaults upon the institution of private property. There are plenty of American business-men who still hold that view. It is not surprising, therefore, that many of the most brutal invasions of civil liberty in this country have been the unhappy incidents of the struggle of American labor to secure and protect for itself effective powers of collective bargaining. That struggle is far from ended today.

There is another vested interest in the protection of which dangerous assaults have been made, and are being made, upon freedom of opinion and public discussion. This is a vested interest of nationwide proportions, for it is nothing less than our traditional capitalistic system of economic life operating under what we have come to call the principle of "free enterprise." This is the system under which we have become the most prosperous nation in the world, and it commands the loyalty not merely of the business magnate but of men of all kinds and classes. We have come to refer to it sentimentally as the "American way of life," and I am not for a moment attacking it or criticizing those who feel that its overthrow would be a national calamity. This powerful vested interest, the American capitalistic system, was only mildly disturbed by the not very revolutionary economic changes proposed by the Populists in the early nineties. It began to be rather seriously worried by the more drastic and more thoroughly rationalized program of the Socialists, which was of course a frontal attack on capitalism. During World War I and the years immediately following, Socialists were by no means secure throughout the country in the enjoyment of freedom of speech and freedom of press. Then came the more serious threat of Communism. Those Communists who took their inspiration from Russia and adhered to the program of the Third International were not merely seeking to overthrow the capitalistic system but urged the use of violence as a means of doing so. This

advocacy of violent revolution in the Communistic program brought Communists clearly within the reach of the law and made it possible to protect the "American way of life," to ward off this particular attack on capitalism, without sacrificing the principles of free speech, free press, and free assembly. Clearly it was one thing to talk, argue, and write freely about the alleged advantages of a Communistic state and the shortcomings of capitalism; it was a very different thing to throw bombs, burn buildings, assassinate public officers, or to incite people to commit any of these crimes. Thus revolutionary Communism falls under the ban of both federal and state statutes which punish the advocacy of the overthrow of government by violence, or membership in political parties or societies which advocate it. If these laws are intelligently enforced, civil liberty need not be endangered or sacrificed.

Unfortunately the story does not end here. Professed Communists played into the hands of their enemies by their advocacy of violent revolution, since violence or incitement to violence is something for which the law sends men to jail. But those whose interests are bound up in our capitalistic system are not worrying about violent revolution. Few people really anticipate or fear anything of the sort. What they worry about is the peaceful spread of Communistic doctrine, or any other political or economic doctrine which is antagonistic to the basic principles of capitalism. Now I am confident that a very healthy proportion of American businessmen, professional men, and laboring men believe sincerely that our capitalistic system, with its corollaries of private profits and free enterprise, is not merely sound, but so fundamentally sound that it can defend itself in fair argument, and need not fear criticism, competition, or attack. They do not seek to protect it by suppressing the right of its critics to engage in free public discussion. But there is a dangerously large and growing body of the beneficiaries of our economic status quo who take no such tolerant attitude. They believe, with the fanaticism born of self-interest, that American capitalism is in reality the "American way of life"—a way of life grounded upon the principles of the protection of vested interests, unrestricted profits, and free enterprise. They believe further that this "American way of life" should be protected not merely against revolutionary Communists who seek to destroy it by violence, but against peaceful and orderly Communists who wish to argue Capitalism out of existence, and in fact, against any radical

—or even merely liberal—reformer who proposes any change in our economic system. They actually regard as dangerously subversive and seditious any serious public criticism of the traditional principles and structure of American Capitalism. It is the intolerance of this vested interest group which today seriously menaces freedom of public discussion by its efforts to suppress or penalize so-called liberal or radical economic and political thought.

If anyone doubts the reality of this danger to civil liberty, he need only study the recent behavior of the present Congress, in which this intolerant attitude is sharply reflected. Congress has undertaken to remove from the federal payroll officials or employees who hold political and economic opinions, or who associate with people who hold political and economic opinions, which seem to Congress radical or "un-American." The word "un-American" as used in this context actually means politically or economically unconventional. This drastic action has already been taken in the case of three men by a statute forbidding the use of federal funds to pay their salaries. I believe this action is unconstitutional, and I have elsewhere explained at some length why I hold this opinion. But whether it is unconstitutional or not, it is a dangerous and brutal assault upon the principle of freedom of opinion. None of these men stands accused of any crime, of any misconduct, of any disloyalty, of any lack of patriotism, or even of any incompetence. The offense of which they are guilty is that of holding opinions unacceptable to the majority in Congress. Out of the welter of words by which Congress has sought to explain and justify this action, the real truth lies in the cynically frank statement of a member of the House that the men were being removed from office "because we didn't like the things they said and the things they wrote." Congress and its committees apply the litmus paper of their own conventional opinions and prejudices to the views and the writings of these federal officials and dismiss them summarily if the resulting reaction looks even faintly pink. This is a serious abridgement of civil liberty. There are more than three million men and women who are officers or employees of the United States. They are free and law-abiding citizens of a great democratic nation. Their competence has not been questioned. If the recent action of Congress is sustained, they all live under the threat of dishonorable discharge if their political or economic opinions should happen to prove distasteful to as many as forty-nine Senators and two hundred and eighteen

Representatives. It would be difficult to think of a more arrogant and flagrant violation of the spirit of our constitutional guarantees of freedom of speech and freedom of press.

In this review of our national experience in thinking about and managing our civil liberty problems, I have tried to make clear that we have come to regard constitutional democracy and the principles of civil liberty as permanently established at home and destined to prevail abroad. They have thus far never been subjected to external attack, for no enemy has arisen who has desired to destroy them. We have sacrificed some of our civil liberties at home from time to time in order to fight our wars more efficiently, or in misguided efforts to protect various vested interests from criticism and hostile propaganda. But we have never deviated from the conviction that the basic principles of civil liberty are a vital and integral part of the "wave of the future."

This brings me to the second part of my discussion—the grave and wholly unique challenge which confronts American civil liberty in the present war, and the even more grave and unique challenge which will confront it when we have won that war. And I shall deal here only with civil liberty at home. This unique challenge to our civil liberty arises from the nature of the enemy we are fighting. For the first time, the constitutional democracies of the world are fighting for their lives against powers which are not merely seeking to conquer them but which are bent upon destroying constitutional democracy as a system of government and replacing it by a brutal totalitarianism. The Nazi régime is built upon the complete negation and destruction of democracy. The will of the dictator has replaced the will of the people as the source of governmental power. Hitler himself, with unconscious humor, made this very clear in a speech to the Reichstag in May, 1935. He said: "Germany too has a 'democratic' constitution. The present German government . . . has also been elected by the people. . . . It does not matter how many votes a deputy must have in the individual countries. There are countries which consider 20,000 votes necessary for a deputy, others consider 10,000 or 5,000 sufficient, while in others again the number is 60,000 or more. The German people has elected a single deputy as its representative with 38,000,000 votes." This is what democracy means in Hitler's Germany! Our present enemies, however, destroy not only democracy but every vestige of civil liberty along with it. Freedom of speech, press, and assembly are

completely obliterated. Life, liberty, and property are subject to the arbitrary decree of the dictator. And this destruction of civil liberty is not merely a means to an end, not the unpleasant but temporary incident to revolutionary change, but is an integral and carefully planned part of the "New Order" itself. Nazism, as competent scholars have pointed out, is not an ideology or a philosophy of government, but simply a political technique. It is merely a way of accomplishing results, and one of those results is the complete destruction of democracy and civil liberty.

But the present German dictatorship was not content to wipe out constitutional democracy at home. It has been bent upon spreading its gospel of tyranny throughout as much of the rest of the world as it could bring under its domination. Down to the very outbreak of war, Nazi Germany carried on a highly efficient missionary campaign in other countries to pave the way for the New Order by peaceful penetration. With the wisdom and guile of serpents, Nazi agents moved silently into democratic nations and set to work. The skill and success of this infiltration was tragically demonstrated when countries high up on the German list of intended victims found themselves fatally honeycombed with Fifth Columnists. We ourselves were finally aroused to the fact that we were harboring the same kind of undercover activity in the United States. Now the point that was novel about this menace was not the high degree of its efficiency, for in many ways the German propaganda machine has been pretty stupid, but rather the whole-hearted enthusiasm and thoroughness with which these enemies of everything which democratic nations have come to value used every freedom, every civil liberty, every device of democratic government, to undermine the governmental system which made these rights and privileges possible. As Karl Loewenstein aptly puts it, "Calculating adroitly that democracy could not, without self-abnegation, deny to any body of public opinion the full use of the free institutions of speech, press, assembly, and parliamentary participation, fascist exponents systematically [seek to] discredit the democratic order and make it unworkable by paralyzing its functions until chaos reigns. They exploit the tolerant confidence of democratic ideology that in the long run truth is stronger than falsehood, that the spirit asserts itself against force." In short, in entering the present war American democracy, as well as democracy throughout the world, found itself confronted for the first time by a powerful and ruthless enemy bent

upon destroying democracy, and bent furthermore upon using every device and method of democratic government to accomplish this destruction—an enemy that would, with cold-blooded efficiency, use our civil liberties as weapons for the ultimate destruction of civil liberty itself.

As long as we are at war, we do not need to be unduly concerned by the novelty of the Nazi challenge to the essential integrity of our democratic principles. In time of war we can deal effectively with any threats to the security of the nation, or the military success of our arms, which may arise. We do not need to rationalize the restrictions upon speech, press, and assembly which war makes necessary, beyond agreeing with Lincoln that it is better to sacrifice a limb than a life. In fact, the less we try to rationalize wartime restrictions on civil liberty, except in terms of brutal military necessity, the more secure our civil liberties will be after the war is over. Therefore, as long as the war lasts we shall not hesitate to deal sternly with Nazis and Nazi supporters wherever we find them and whether they are engaged in open hostilities or subtle undercover activities. We shall not knowingly lend them our valued constitutional freedoms to be used to undermine us.

When we have won this war, however, and face the incredibly difficult problems of peace, we shall no longer escape the dilemma in which the unique challenge of Nazism places the thoughtful and loyal defenders of constitutional democracy and civil liberty. We may state that dilemma thus. Shall we disavow our faith in the principles of civil liberty by withholding civil liberty from our defeated enemies? We intend to bring Hitler's Germany to unconditional surrender or utter defeat. We intend to destroy the military and political power of Nazism. But it would be naïve to assume that the doctrines of Nazism will automatically disappear with the coming of peace. The patience, the tenacity, the fanaticism with which these disciples of totalitarianism have been inspired compel us to face the fact that the anti-democratic faith will not be wholly exterminated and that anti-democratic propaganda and activity in one form or another are almost certain to persist. How, then, shall we deal with it? Are we to extend the full measure of our civil liberties to those who will seek to use them to destroy civil liberty? Shall freedom of speech, freedom of press, and freedom of assembly be generously granted after the war to groups which will try to use them, as they did before the war, to undermine our institutions and

heap contempt upon democratic government? Having fought and won the bitterest and most costly war in all history to destroy the enemies of democracy and establish freedom throughout the earth, shall we out of loyalty to the doctrines of civil liberty invite our enemies in again, set them up in business, and place in their hands the tools with which to begin all over the process of destroying us? Shall we, in short, deny civil liberty in order to preserve it? This is the dilemma which we shall face.

I think the average American, who is a good deal of a realist, will have a ready and confident answer to this question. He will be unaware that any serious dilemma is involved. His answer will be that we have destroyed Nazism at an appalling cost and that we are going to keep it destroyed by whatever means may be necessary. We are not going to allow it to lift its head again. He will be quite willing to deny any and all civil liberties to the enemies of democracy, and he will do so with a completely clear conscience. He will be joined in this position by many sincere and thoughtful liberals whose devotion to democratic principles is unquestioned and who will defend that position by arguments which the average American will not have thought of. Let us review, then, the case which may be made for this realistic solution of the dilemma which I have stated.

The first argument is starkly practical: Democracy and civil liberty are among the great and lasting values which civilized nations have achieved through centuries of experience. It is unthinkable that we should place all of these values in peril through a meticulous solicitude to see that the avowed enemies of democracy enjoy freedom of speech, freedom of press, and freedom of assembly. Nations are entitled to preserve themselves and, when they engage in wars necessary to that end, we recognize the propriety of sacrificing as much civil liberty as the national security may demand. Constitutional democracy is entitled to preserve its own life in peace as well as in war, and we should recognize its right to make the incidental sacrifices of civil liberty necessary to that end. What shall it profit a nation to make a Quixotic stand for unrestricted freedom of speech, press, and assembly if it thereby jeopardizes its own democratic way of life?

A second argument is built upon the experience and philosophy of democracy itself. Our democratic ideology has never included any doctrine of absolute or unrestricted civil liberties. As Burke put

it many years ago, "Liberty, too, must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public council to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist." We have never abandoned that sensible doctrine; and freedom of speech, freedom of press, and freedom of assembly have always been limited by a wide variety of restrictions designed to promote and preserve the public welfare and security. To withhold these civil liberties from those bent upon using them in order to destroy our institutions is actually no different from any of the traditional restrictions placed upon them in the public interest. Furthermore, our principles of constitutional democracy and civil liberty have meaning and reality and value only among people who understand and appreciate them. We do not impose upon aborigines the machinery and the processes of a democratic government which they do not understand and cannot administer. Is there any more reason for extending the privileges of democracy and civil liberty to those who, having once enjoyed them in large measure, have voluntarily abandoned them for the doctrines of despotism and brute force? Just as we do not intend to allow Fascism and Nazism to remain in control of Italy and Germany after the war, so should we take measures to put an end to Nazi, Fascist, or other anti-democratic propaganda in our own country. We should so broaden our laws against sedition as to suppress and punish those who advocate any of these objectionable doctrines or systems of government, or who belong to organizations which advocate them. Only in this way can we adequately protect the integrity and the security of our American heritage.

There is another body of opinion, however, equally hostile to Nazism and all its works, which vigorously rejects the views just stated. Those who take this second position refuse to countenance the suppression of any political or economic opinion within a democratic country, no matter how obnoxious or dangerous those opinions may be. They are willing to punish or suppress only unlawful conduct or the open advocacy of crime or violence. To refuse to allow the Fascist or the Nazi to stand up in public and say his piece, provided he does it in a peaceable and orderly manner, is, in their view, to announce that we believe in civil liberty for our side but not for those who disagree with us and of whom we disapprove.

It involves us in a humiliating national self-stultification. We show that we do not genuinely believe in freedom of speech, freedom of press, and freedom of assembly as our fathers did, but we believe in the freedom to say and to print only the "right sort" of things. "How shall we commend democracy to the acceptance of other people," wrote Woodrow Wilson, "if we disgrace our own by proving that it is, after all, no protection to the weak." Having proved the strength of the forces of democracy upon the battlefields of the world, shall we borrow the repressive methods of the enemies we have defeated to prevent the public expression of anti-democratic ideas at home? Have we so little faith in the essential honesty, integrity, and intelligence of the common man, upon whom in the last analysis our democracy rests, that we are afraid he will be won over by peaceful persuasion to the doctrines of a Nazism which he has just seen bring the world to the brink of ruin? If we fought this war to preserve constitutional democracy and civil liberty, let us not compromise the fruits of victory by a whittling down in peacetime of freedom of speech, press, and assembly.

These, then, are the two horns of the dilemma which we shall face after the war. Fundamentally, it is a dilemma in which we place our faith in the essential honesty and good sense of the common man over against our fears that he may be imposed upon by the enemies of democracy and be induced to sell his democratic birthright. We must choose whether to be led by a disillusioned realism to seek to purchase complete safety at the cost of a portion of our democratic faith, or to refuse to sacrifice any of our democratic faith, at the cost of some possible danger to the security of our institutions.

I speak, of course, for no one but myself when I state my deep conviction that we must make no compromise of our principles, that we must sternly refuse to place any new peacetime restrictions of any kind on freedom of speech, freedom of press, or freedom of assembly. We must resist every temptation to deny these basic civil liberties to any group or class in our midst, no matter how objectionable we believe their doctrines or opinions to be. I shall state briefly the arguments which have led me to take this position.

Two definitely minor arguments may be stated first. They are minor because they have nothing to do with the basic principles involved, but relate to purely practical matters. The first of these arguments is that any repressive legislation directed in peacetime

against anti-democratic propaganda not otherwise unlawful seems to me entirely unnecessary. The dangers we are supposed to be warding off by such restrictions on civil liberty are greatly overrated. The amount of hostile and obnoxious propaganda carried on after we have won this war will be very small. No foreign-inspired anti-democratic organization is going to be very strong or very vocal. When we have destroyed the Nazi régime in Germany, it is likely to be a very dispirited and very discreet lot of Nazi disciples left in this country. But even if these people were more numerous and more powerful than they are likely to be, it is quite unnecessary to restrict their freedom of public discussion and publication in order to protect our national security against them. No one seriously believes that they can argue us out of our democratic principles. We do not fear the public expression of their ideas. And when they resort to other tactics we can fully equip ourselves to deal with them by law. We may punish them for advocating crime or violence, or for conspiring together to carry out subversive programs. We may require full publicity with respect to their organizations with regard both to membership and to foreign associations. We may forbid the possession of military weapons or the wearing of uniforms, and we may require that all meetings be peaceful and orderly. We have by no means exhausted the scope of the disciplinary action which we may take to prevent criminal or subversive conduct or conspiracies. Such practical and reasonable precautions will fully protect the public safety without resorting to any restrictions upon freedom of speech, press, or assembly.

A second minor argument may be stated even more briefly. If we deny freedom of public discussion to anti-democratic groups, we may actually increase rather than diminish the danger to the public security. By such suppression we drive these people under cover, and we make it infinitely more difficult to know who they are, how strong they are, and what they are up to. History is full of examples which show that if a minority has virility enough to be an actual danger to the majority, governmental action outlawing it or forbidding it to function in public often makes it more dangerous by forcing it to resort to concealment and subterfuge. Groups which are allowed to talk and to print can at least be identified and counted and watched. They are less dangerous when we know about them than when they are driven to hide in cellars and to wear false whiskers.

There are vastly more compelling arguments than these, however, against new postwar restrictions on civil liberty, and these are grounded in the very heart of our democratic creed. Such restrictions would constitute a humiliating confession that we have lost our faith in the basic principles upon which our civil liberties rest. We are afraid to expose our democratic institutions and principles to the dangers of public and hostile criticism. We no longer trust the intelligence and the integrity of our people to see the difference between fascism and democracy and to repudiate the one and cleave to the other. We no longer believe in the power of truth and decency and honor to prevail in what Mr. Justice Holmes called the "competition of the marketplace." We have, in short, become skeptical of the capacity of democracy to hold its own against the competition of undemocratic doctrine. We can no longer trust ourselves to listen to talk, or to read printed material, which offends us or which criticizes or attacks our institutions. We will no longer let people say out loud the things we do not like to hear. We borrow from the Nazis whom we despise a device of repression which repudiates the old and valued principle of free speech and press. All this seems a very tragic aftermath of a titanic struggle in which the democracies of the world have proved their strength and their capacity to survive. We are fighting this war with an amazingly small amount of interference with free public discussion on the home front. How can we justify increasing the measure of that interference after we have won the war? To do so is, in my opinion, to recant our democratic faith.

My final reason for opposing any new repressive legislation is that to do so would establish a precedent for the suppression of free public discussion, and such a precedent would prove an insidious and far-reaching danger. It would encourage and fortify the forces of intolerance with sinister results. It would be the first peacetime attempt by Congress since the notorious Sedition Act of 1798 to forbid the public expression of ideas unaccompanied by violence or incitement to crime. We have a statute which forbids people to advocate the overthrow of government by violence. But it is a very different thing to make it a crime to advocate in an orderly manner an undemocratic system of government to be brought about by peaceful methods. Consider the problem of drafting such a statute. How would it read? It would be bound to sound much like the West Virginia statute referred to by Professor Zechariah Chafee which

makes criminal any teaching "in sympathy with or in favor of ideals hostile to those now or hereafter existing under the constitution and laws of this state." It will inevitably use words and phrases which are vague in meaning. It will try to shut the mouths of the people who openly preach or publish their hostility to the principles of constitutional democracy. How shall we define constitutional democracy with the precision required in a criminal statute? Or, if we attempt to punish utterances or publications which are "subversive," how shall we define the term "subversive"? Congress and its committees have been struggling with that task for some time without making much headway. It seems certain that the terms which we shall have to use will be terms into which can be read dozens of different meanings reflecting the varying political and economic opinions, philosophies, prejudices, and phobias which make up the mosaic of American public opinion. If we try to build in this way a protective barrier around what I can already hear described as "our American way of life," we shall seriously jeopardize the freedom of speech, press, and assembly of every honest and outspoken critic of our political and economic status quo. I have already shown that the most frequent and dangerous attacks upon civil liberty in this country have come from various vested interests, some political and some economic, which have sought by arbitrary and repressive methods to ward off criticism and hostile propaganda. These people are allergic to any kind of radical, liberal, or unconventional public discussion of our political and economic institutions. They have fully convinced themselves that they, and the interests which they stand for, are an integral and essential part of the "American way of life," and perhaps they are. They will certainly climb with enthusiasm on any bandwagon of repressive policy toward free discussion which is stated in vague and broad terms, and which can perhaps be construed to forbid the kind of talk and publication which they dislike and fear. There will be a strengthening and intrenching of the forces of intolerance, and a corresponding weakening and suppression of liberal and independent thought. We may succeed in stamping out anti-democratic propaganda, but we shall have established the principle and the precedent of repression.

These are the reasons which I believe should lead this country to maintain during the troubled days of the peace to come the most scrupulous protection of the doctrines of civil liberty. I am not suggesting that we should sit idly by and see our institutions wrecked.

We have ample criminal statutes to safeguard us against any such calamity. Nor am I suggesting that we shall cease to be an essentially democratic and liberty-loving people if we adopt the policy of limited repression against which I have argued. We shall undoubtedly be much the same as we have always been. We shall be safe and we shall be happy. We shall probably grow increasingly smug, and talk glibly about freedom and the Bill of Rights. But I hope we shall have an uneasy conscience, for we shall have compromised our democratic faith. We shall have traded for a comfortable sense of security a measure of that freedom of public discussion which for a century and a half we have regarded as perhaps the most valued civil liberty which a free people can enjoy.

THE ENDS OF GOVERNMENT*

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The ends of government may be stated as follows: (1) external security, (2) internal order, (3) justice, (4) general welfare, and (5) freedom.

To the state, which is the name usually applied to independent political associations, these ends are accorded on the basis of observation and reflection. They may be summed up under the term the "common weal," or the common good. This assumes that there is a community, made up of human personalities, that there are purposes, values, and interests in common, that there is a commonly accepted organization for carrying out these common purposes.

It cannot be said that these functions are the property or responsibility of the state alone. They are shared by other agencies of human society, and without their coöperation the political society can do little. The state provides a broad framework within which other societies and persons may operate more effectively, and undertakes common functions which it can more conveniently carry on, than other associations. At every step along the way there is room for wide and sharp differences of interest and opinion regarding the course of conduct, but there is general and effective agreement upon the main principles of action, the persons in charge, and the main lines of action. Otherwise the state is sick—and perhaps unto death.

We may, of course, inquire whether security, order, justice, welfare, freedom, are in reality what the rulers think they are or what the community thinks they are, or what some outside or later group may think they are? What if insecurity, disorder, injustice, non-welfare, slavery, follow political action rather than the opposite? What if there are, and surely there will be, conflicting interpretations of freedom, welfare, order, and the other ends of the political society?

In all these cases, both the feeling and the fact may be drawn into consideration, as well as the idea or ideal of freedom, justice, order, welfare, security. Indeed the interplay between these ele-

* This paper is a drastic condensation of a more extensive discussion of the topic in the author's "Systematic Politics," now in preparation.

ments is one of the most subtle and difficult phases of the political, testing to the utmost the cunning, the insight, the judgment, the intelligence, the skills, of the rulers as well as the ruled.¹

Government rests upon basic understandings of persons of the whole community, of special groups. These understandings must be woven into the action pattern and policy of the state. Even among outlaws, there are understandings about basic purposes and conventions which cannot be violated without imperilling the life of the group, whatever it may be, within or without the formal law.²

Politics has been treated by some thinkers as only a struggle for power, to be studied as such, using power generally in the lower sense of the word, as selfish and brutal.³ By others politics has been regarded as a body of manipulatory techniques, to be studied as such. There are, of course, struggles for power, personal or group; and there are bodies of techniques of manipulation; but these are not the whole of politics.

Politics deals through its own categories with the optimum ways of reaching the best life in the given group at the given time with the given background of material forces and ideas, in the framework of the given culture pattern. The political is not the only agency or institution which undertakes this task, and it is always set in the broader text of social relationships.

The problem of the political is that of the optimum moving equilibrium of personalities with their interests and ideals, for the attainment of the broad purposes of social living within the state. Given these factors, the political task is that of making the best contribution to the best life in terms of the purposes and methods of political society, itself always a part of the larger society outside the political.

The standards by which we judge the ends of the state are not different from those which apply to the good, the true, and the beautiful. That the good is not always wholly good, the true not always wholly true, and the beautiful not always completely beautiful does not lead us to the conclusion that there is no good, true, or beautiful. That states do not always attain the full possibility or quality of states need not lead us to conclude that states have no ends whatever. That small groups, in passing parlance termed

¹ See chapter on "The Survival of the Fittest" in Merriam, *Political Power*.

² See "Law Among the Outlaws" in *Political Power*.

³ James Burnham, *The Machiavellians*.

élites, exploit the state, does not force us to conclude that this is the true and typical characteristic of the political society. Religion, science, art, education, medicine, industry, have occupational diseases of the same sort. The state may be judged by its highest and best form of excellence. This is modified by the given conditions at a given time, in the particular association in question. If the type form is adequately set up, the shortcomings do not become the type, as some have concluded, but the imperfect or pathological, judged as we may judge error, evil, or disease in other relations of life.

If someone finds that the five ends of government enumerated above are in need of correction, the improvement will be welcome. Or if someone finds that the whole idea is wrong, I shall be pleased to see how a study of the state can be developed without consideration of its fundamental ends. I have endeavored here to sift what I know of the political experience, observation, and reflection of others through my own experience, observation, and reflection. Others will doubtless do better.

I. SECURITY

The traditional task of the political association has been the protection of the group against other groups, or attack upon other groups, as the case may be. The state again is not the only agency through which interstate relations are conducted. Commercial and cultural webs of many varying forms and types are found flourishing across state lines. Trading companies and modern cartels are sometimes more powerful than the smaller states, while "internationals" of many colors stretch through the network of politics.

Historically, war⁴ has been one of the chief instruments of national policy, whether offensively or defensively utilized. In spite of the outlawry of war in the Kellogg-Briand Pact, war continues to be such an instrument. But there is reason to believe that we are nearing the permanent organization of a jural order of the world from which war will be effectively barred. It is well within the bounds of human intelligence to set up a framework within which aggression in the form of physical violence will no longer be per-

⁴ See Quincy Wright's massive volumes on *War* (1942); Alfred Vagts, *History of Militarism* (1937); Edward Mead Earle, *Makers of Modern Strategy; Military Thought from Machiavelli to Hitler* (1943); "The Organization of Violence," in Merriam, *Prologue to Politics* (1939), pp. 1-22.

mitted. In great stretches of territory such as the United States, the British Empire, and the U.S.S.R., aggression in the form of private violence is no longer permitted legally.

The studies of war and of peace are so numerous as to challenge condensation. Militarism and pacifism have hosts of theoretical defenders, while the history and science of warfare fill many ponderous tomes. The fundamental differences turn upon basic evaluations of the quality and possibilities of human nature. Few writers remain who now characterize war as desirable, although they may find warlike impulses, even if undesirable, nevertheless inevitable and unavoidable. But the inevitability of war is no longer conceded as a fundamental fact in social relations. Violence is increasingly recognized as a lower form of organization, serving only as a substitute for the higher types of organization in which other modes of action are substituted. With the increasing spread of intelligence in social affairs and with the rise of respect for the dignity of man, the resort to violence slowly tends to lose its hold upon social adjustment, both internally and externally.

In time, we approach a closer knit system of international jural order. Ultimately there may well be a single society, whatever it may be called. In that day, external physical security will no longer be a prime function of the state. But there will remain the effort of particular political associations to preserve their position in the larger commonwealth of the world. Even if war is at last ended, there remain external relations of great importance to the political society. The status of nationals abroad, the relations of trade and of culture, a thousand streams of in and out influence, require the interest and activity of the state. Diplomacy, strategy, new forms of coöperativeness, present problems of the first order to the governors. Treaties, conventions, understandings, strategy, are the basis of a great network of international relations in which the rôle of the political is of prime importance. The state is the agent of its citizens—even without an army; and without striking any blows much may be won and lost. Special arrangements and special groupings affecting labor, agriculture, finance, industry, the arts and sciences, may be built up within and without the fabric of the political. Group security looms largest in all these relations, but in time the effective group or groups become larger and larger as the range and intensity of groups increase.

II. ORDER

The second function of the state is the maintenance of order. Order refers to a system in which there are reasonable expectancies as to what is to be done and by whom in the field of social behavior, in this connection with the political. In a condition of disorder, in reverse, no one knows what is to be done or who is to say what shall be done. There are no established expectancies as to what is required or intended. In an orderly system, there is a well-understood division of labor and of responsibility; there are rules, regulations, expectancies, which are understood and accepted, and which tend to promote the common good of those who are affected.⁵

Expectancies and understandings are the essence of orderly living, of orderly arrangements. In well-ordered traffic there is a definite understanding as to what is to be done and how and when. Even if the system adopted is open to criticism, it may be better than no system at all. We may leave a building in an orderly manner, or the opposite. There may be order in the school room, or there may be the opposite. The house may be in order or in disorder. The system of order may be regarded as unjust by many or a few, and then we come upon a conflict between order and justice and other ends of the state, as indeed of society.

Other associations also have the duty of maintaining order in their respective systems and in their special orders, as the family, the church, the union, the trade association—all the private governments. The political society maintains public order, directed toward the common weal, in the category of the political. But when all else fails, the state may be called upon to establish order in the special society, as the church, the political meeting, even the family, in extraordinary instances. Or when disorder, otherwise insoluble, arises because of struggles between conflicting associations, racial, religious, political, or what not, they are not permitted to make war upon each other within the confines of the state. Their property rights are also subject to adjudication by the political society in many cases of inability to agree. The state may not undertake to say what doctrines are orthodox, but it may be called upon to decide what persons are indeed the owners of church property.

⁵ See Beardsley Rumel on "homefulness," in his *Government, Business, and Values*.

In short, when no one else can establish order, the political order must be called upon to settle the unrest into some form of calm. Nothing is more dangerous to the state than to be unable to establish order. This in fact may lead to intervention by some neighboring state, assuming the function and perhaps holding the rôle for a long time; or it may lead to revolution from within. These situations often present the very greatest difficulties, and indeed many a state has been overthrown by failure to deal effectively with the clashing interests of its constituent groupings. A catalogue of conflicting interests would fill many heavy volumes, running through recorded time, as races, religions, classes, regions struggled for the mastery or for recognition from place to place and from time to time.

If we ask for a precise definition of order, it is not easy to set down in exact terms, although it may be identified and characterized. There are many types of order and many forms of order situations. Nor can order be considered outside the context of the other functions of the political society, into which pattern it must fit. Curiously enough, disorder is more clearly and definitely identified than is order itself on the positive side. The essence of order is distribution of power and responsibility in a range of social conduct—in this case political conduct—a recognized and enforced pattern of behavior of a durable type. The archetype of order is seen in the military way of life, in which there is a division of labor, accompanied by sharp distinctions in authority and responsibility, with fully established rules of action, covering a wide variety of situations, although not all. A court likewise is a symbol of orderly behavior, operating in accordance with established procedures, and with someone in complete charge at all times. But as we approach policy-determining bodies such as legislative assemblies, or popular discussion groups, the symbols of order are less conspicuously displayed. There is a wider latitude in proceedings up to a point of disorder. However, the maintenance of a scheme of order is essential to successful operation in these assemblies. "Rules of order" have their place, and "fair play," even in a tumultuous election campaign. "You are out of order" is a compelling phrase at many, if not at all, times. It may be said that the greater the degree of political sophistication in the group, the higher the form of external order which prevails, whatever may be the internal situation.

The nature and meaning of organization are of great significance,

but not possible to discuss here.* Sovereignty, however, presents a generalized aspect of order which may well be presented at this stage of consideration of the ends of the state. Sovereignty is an organizational attribute of the state, although not an end of the state, except as a phase of order, as here considered. Sovereignty is the high point in the political hierarchy. It is a concept adapted to ultimate decisions as to order and organization—a symbol of intent to decide as well as to deliberate.

Sovereignty does not imply omnipotence in all affairs—not even in the narrower fields of the political; for sovereignty cannot be more than the given political order contemplates. Political society exists for the common weal; sovereignty exists to make effective the common will regarding the common weal. Rightly understood, sovereignty is not hostile to or incompatible with either internal public law or external public relations.

III. JUSTICE

One of the major ends of political association is that of justice. Looking at the long array of injustices parading in political garb, it might be said that this is not an accurate or adequate description of the actual functions of the state, whatever they may be in theory or in hope. Certainly the catalogue of human injustice could be piled up in terrifying masses of iniquity. But deeds of evil and disease may also be piled high, and yet we do not say there is no good, or no health, in the world.

Justice consists in a system of understandings and procedures through which each is accorded what is agreed upon as fair. It assumes the existence of value systems in which persons find a value rating and a value recognition upon that basis. Justice implies the existence of institutions and procedures through which these value understandings may be identified and applied with even hand. It also assumes standards of justice outside the governors or the political society or all political societies—rights and claims which are not exhausted by the formal declarations of organized agencies. Either natural law and justice are asserted, or other criteria of justice outside the strictly legal justice. Social justice in the broader sense is also developed between races, classes, religions, areas, individuals, and cries of injustice will then arise. If there are

* See Merriam, *Public and Private Government*, Chap. III, "New Meanings of Organization."

too many who find themselves unjustly treated, then the morale of the state is shaken, and if this process goes far enough it may be shattered and broken. Even the consciously unjust will appeal to the sacred name of justice, and those who are not conscious of their patterns of injustice will make the same appeal to a justice which does not in fact exist in their behavior.⁷

Formalized justice arises from the inability of men to judge in their own cause. They may give themselves the benefit of any doubt with right good conscience. The rise of organized justice, however crude, is one of the great triumphs of human intelligence. It is true that the judges may not be wholly impartial, in view of their group affiliations, or personal psychology; and indeed there may be openly recognized differential systems of justice for various sections of the community according to castes and classes.

The rapid change in circumstances often makes old rules out of date under the new conditions. Then the application of the old rule may indeed work severe injustice, not contemplated at the time the rule was made.⁸ Equity in legal systems has been invented and intervenes to remedy many of these injustices through a more liberal interpretation of the rigid and outdated rule.

If it is assumed that the person has certain characteristics peculiar to his special pattern of personality, and that this individual pattern possesses an ascertainable relation to the community around him, then it may be said that justice would be the recognition of this special status of the person, or in case of inter-personal relations as between persons affected and adjudged.

In one sense, justice may be deemed almost the equivalent of equality, in that each is given that to which he is entitled on an equal basis of consideration, and in relation to other claims upon the community by other men or groups. Justice from this point of view is the old "equality before the law," which was a great gain over inequality before the law, but which lagged far behind full fairness of personal treatment in the society of which one is a member. Proportional justice, however, leaves the way open for broad social inequalities, which in turn may be tempered by other considerations, involving the common good and the dignity of man.

⁷ See Galsworthy's *Justice* for a series of difficult cases on the border-lines of exact justice.

⁸ See the exposition of justice by Plato in the *Republic* and by Aristotle in his *Politics*.

Equality is not identity, but equitable treatment, rising from an accepted level of humanity and social interest.

It is at this point that justice is seen to be intimately related to order, freedom, welfare, and other ends of the state. It is a great gain to have justice which is blind as distinguished from justice that looks to see who is who and favors the stronger. But is justice justly blind to the developing characteristics of personality, looking beyond particular instances in immediate question? What is justice as between master and slave is one thing; but what is justice as between master and slave, looking ahead to their respective cultural advancements? Justice of one kind might freeze the pattern against the slave or the inferior, or tend to freeze it; or justice might tend to free the possibilities of the inferior, assuming that he possessed them.

The priorities of justice, order, and welfare present some of the most puzzling and difficult problems in the whole range of politics, while the factor of freedom is also drawn necessarily into consideration. The rivalry between military and civil government, between justice and equity, between social welfare and national or group security—these are recurring examples of pressure and counter-pressure in the field of the political.

The needs of justice have led to the establishment of special machinery for its authentic declaration and application. The creation of courts and the elaborate apparatus of adjudication deal with this special form of state purpose, while the body of learning called jurisprudence has been elaborated far and wide.

In the wealth of facts and philosophy developed in comparative jurisprudence may be found the full story of the ramifications of institutionalized justice—legal justice. Filtering through myriads of special cases and through many systems of legal philosophy may be traced the underlying purposes of the state in different places and periods. These great monuments of learning and masterpieces of analysis are testimony to the struggle of men through political associations to arrive at a state of justice, differently understood, it is true, by different men in different situations. Of course it cannot be concluded that formal justice was always substantial justice, nor that the elements of arbitrary power and personal domination did not enter into the decisions reached by the judges.

The justice involved in broad questions of public policy is primarily the responsibility of the political leadership of the time,

wherever this may be placed, and not that of the courts. The focus of conflicting interests and wide divergencies in policy are the burden of the executive or the legislative branch of a government specially equipped for this purpose. Yet one would be blind to the majesty of the Roman law or the common law, or unmindful of the stream of current interpretation of public and private law, if he did not observe the important rôle played by the courts in this process.

Nor can it be forgotten that the meaning of justice is not confined to the realm of the political alone, but reaches out through the range of human institutions. The family, the school, the market place, the church, all play their part in shaping the dominant view of what is justice. The observation and reflection of scholarship outside the field of jurisprudence and policies is also significant. When formal justice strays outside its social basis, there is certain to be acute discontent and readjustment following, particularly if it becomes true, or seems to be true, that formal justice is moved in the direction of special rather than general interests, through prejudice or something more sinister in human relations.

The feeling of justice is as important as the fact of justice, and common understanding is the basis of morale in this field as in others in the social realm. To this end, the symbolism and tradition of the court is adapted in all lands and times. Agreement to adjudicate is one of the earliest political institutions to emerge, and one of the last to disappear, in the organization of a social structure.⁹ In the midst of arms, there still stand the laws of war, military and martial law and justice.

IV. WELFARE

An end of the state is the welfare of the group as a whole and of its constituent members. Under the broad term welfare many different elements are found. Security, order, justice, freedom, may be parts of the general program of welfare from time to time. But in a broader sense welfare affects the citizen and the group in many other ways than these. On the negative side, pestilence, flood, fire, famine, demand the action of the political society either in crisis

⁹ What is "justiciable" is, to be sure, often a more difficult problem than the solution of a problem itself. At what point the protection of person or property comes within the purview of the law is a perennial source of litigation, and of legislation as well.

moments or in the long-range programs of prevention of these evils. Education is seen as a part of the work of the state. Protection against the hazards of the business cycle—against depression, and especially against unemployment—is now a part of the business of the state.

In general, the state provides a framework within which social services function, and provides services through which the welfare of the individual and the group is fostered as far as possible. It becomes the duty of the state to aid in the fullest possible development of the material and other resources of the community it represents, guarding against waste and loss on the one hand and encouraging enterprise and invention on the other. Thus the political society encourages in one way and another agriculture, industry, and trade, productive enterprise in every field, whatever tends to promote the national income. The government protects property and contracts on the one hand and the working conditions of workers on the other, and both for the same common purpose of promoting the general welfare in the given state. The types and range of these activities are too wide to describe, for they cover many sections of human activity—now and in earlier times.

The state is said to have a residual function—a duty of undertaking what no one else is prepared to do, but which it is recognized must be done by some one for the general good of the society. It would be easier to list the things the state has not done at one time or another than those in which it has actually been engaged. In wartime, this is especially notable; or in other emergency, such as earthquake or flood.

It may be said that over great periods of time the purpose of the state was not the general welfare but the welfare of the small group in actual authority. This may well be, and indeed has at many times been the case, where the bulk of the community were slaves, or serfs, or excluded from the centers of power; yet even here the state was always a symbol of community and a bond of unity which inspired men to allegiance and even to battle. Slaves and underdogs may be concerned with the protection of the state, or its expansion, even if their personal share of the benefits is a small one, perhaps only by an additional increment of prestige as member of a conquering community, as distinguished from a defeated society. But without this loyalty on the part of the bulk of the community, the triumph of the leaders would have been out of the question; hence

the need for a sense of participation on the part of those removed from the immediate centers of power. Small groups exploiting the masses for the benefit of a few have justified themselves on the ground that the many were being given all that their qualities required for satisfaction.

The growth of state interest in welfare is not, as some erroneously conclude, a modern phenomenon. On the contrary, regard for welfare of the community dates far back in the history of organized political society. When the family was the outstanding political unit, the head of the family was deeply concerned with the well-being of all the members of the family group. He was no more indifferent to the welfare of this larger group than he was to the welfare of the family on a smaller scale. They were in a broad sense his own children, or at any rate they adhered to him and were under his protection. In a patrimonial state where power went with the land, the lord had the same regard for his people as he did for his lands and his flocks and his crops. He could not be unmindful of the fate of what was his. In the feudal state, the duties of the lord were prominent in the philosophy and practice of the time, and imposed heavy responsibilities on the lord as against the vassal, although not perhaps as binding as the familial relations above indicated.

The existence of slaves and serfs and semi-freemen has been widespread, but even in these cases such members of the community were by no means without some forms of custom-enforced social security, however low the standard might be. Nor was the productivity of the group neglected, however primitive the methods of the group might be in the particular stage of development.

The "police state," with the development of the idea and practice of public order as a paramount object, developed in Western Europe during the eighteenth and nineteenth centuries. In the most highly industrialized countries, the same process went on, but from a somewhat different motivation. The national state, with absolutism at the helm, with feudalism dead, with industrialism rising, tended to cast the subject loose, to rely upon his own resources, and shift as best he might, without special tutelage.

In the nineteenth century, the idea of welfare as one of the major objectives of the political society began to revive. Minimum standards of living began to appear as demands and programs of action. Improvement in modes of production, revival of the idea of the

equality of men, the responsibility of the whole community for the welfare of all—these combined to push forward the demands for a social program.

Thus the modern state came to be called sometimes the "service state," as distinguished from the earlier "police state." It cannot be forgotten, however, that the very earliest of political societies gave close attention to human welfare in the most intimate ways, familial and otherwise. The police state, turning its back, so to speak, upon welfare, was historically only an episode in the evolution of political and social relations.

It may be said that all of this leaves the idea of "welfare" very vague. What is "welfare," and how shall we know it when we see it? The answer is not so difficult if we bear in mind that the state is not the only human association dealing with and promoting human welfare; there are also the family, the church, and a multitude of other associations concerned with welfare in one form or another. They may, and often do, and should indeed, overlap the activities of the political society at times. But the state's interpretation of welfare is set in the constellation of security, order, justice, freedom, in a manner differing from the other societies of which men are part, just as the state itself is set in a group of other societies as an institution.

What the modern state does chiefly is (1) to aid other institutions functioning in their own fields; (2) to promote welfare where other institutions cannot well function; (3) to press forward the welfare of the whole group, as distinguished from special groups, and the welfare of all persons in the society as distinguished from the welfare of persons as members of special groupings.

This will not provide a precise demarkation of what is or is not welfare in all particular instances, but it will provide a general standard or guide which will eliminate many possibilities. The understandings and the institutions which implement welfare in the several societies are of paramount importance in practical determination of specific courses of action. But of greater meaning is the spirit, the general direction, of welfare in a time or place.

The welfare function of the state does not consist solely, or even principally, in the aggregation of a wide variety of miscellaneous services, but rather in (1) the increase in production of the state—the national income; (2) minimum standards of living for all, based upon production possibilities and the advancing gains of civiliza-

tion; (3) utilizing the advances made by modern science, reason, technology, physical and social, in the areas of education, medicine, personality adjustment—a broad range of possibilities in the field of invention; (4) making possible the fullest and highest development of the human personality in the framework of social relations, material and otherwise.

V. FREEDOM

Freedom is an essential end of the state. Looking around on the panorama of time, some must find this a senseless statement. It might be true in the ideal state, some might say, but not in the practical state. In what sense did the long line of human tyrants strive to develop freedom? But the answer lies deeper down than that. Let us look first at the meaning of freedom and its implementation in societies.

The doctrine of freedom is essentially that of opportunity for free development of personal desires for expression, with the possibilities of the personality related to the pattern of the common good. Who says liberty says life. In this sense, liberty is an end in itself, but it is more than that. It is also a means of arriving at other ends, a method of expression of personality, a mode of obtaining recognition and possibly rising in the hierarchy of values in the society. The world's literature is rich with erudite discussions of the nature and implications of liberty. The philosophers have emphasized unendingly the struggle between determinism and voluntarism, the theologians the status of liberty in the relation between the personality and God; the social psychologists have dwelt upon the relation between personality and the surrounding culture; others, the relationship between inheritance and environment, or between total environment and man; and students of government have dwelt upon the conflict between individuals, groups, and the citizen and the state.¹⁰

Liberty has had a negative and a positive side. On the negative

¹⁰ Among studies in the field of the relation of the state to the freedom of the individual are John Stuart Mill, *On Liberty* (1859); T. H. Green, *Lectures on the Principles of Political Obligation* (1895); Harold J. Laski, *Liberty in the Modern State* (1930); Léon Duguit, *Souveraineté et liberté* (1922); H. M. Kallen (ed.), *Freedom in the Modern World* (1928); T. V. Smith, *The Democratic Way of Life* (1925); Jacques Maritain, *Freedom in the Modern World* (1936); Dorothy Fosdick, *What is Liberty?* (1939); Charles E. Merriam, *The New Democracy and the New Despotism* (1939).

side, mechanisms have been set up with the design of protecting the citizen against arbitrary and oppressive conduct.

In modern states, a great apparatus of institutions for the protection of liberty has been set up, in the form of constitutions, courts, general understandings, philosophy and ethics, and common experience and observation. The great body of civil liberties developed especially during the last three centuries has been built into the structure of the modern state as one of its distinguishing characteristics.

In general, the basic philosophy underlying these rights was natural law under which all men were free and equal, dating back to the Stoic philosophy and the Roman law, current throughout the Middle Ages and continuing as the basis of the Revolutionary movement that overthrew absolutism. Among others, trial by jury, the writ of *habeas corpus*, freedom of speech, press, and religion, freedom of occupation, the right to sue and be sued, were the basis of a formidable list of practical rights protected by the courts and by common judgment. The Declaration of Independence summed them up in "the consent of the governed" and in "life, liberty, and the pursuit of happiness." These freedoms are protections against other individuals or interests, and also against the arbitrary action of the government.

There are two sides of freedom—freedom *from* and freedom *for* something. Liberty is, on the one hand, absence of restraint, as when we are free from shackles, from prison, from a concentration camp, and no longer bound to submit to the commands of custodians. A soldier feels free in a sense when he obtains his discharge; or a mother may be released from a hospital. But on the other hand freedom carries with it the positive idea of freedom *for* something; to run, to fly, to create, to construct, to enjoy, to work, to expand, to improve, to make the best that is in us blossom out, to have a share in the good things of life on the level the state of the economy will permit, and to develop the aptitudes of the personality.

Freedom to become a slave is not freedom at all; freedom to make a contract to work sixteen hours a day is not true freedom, although it may be enforced by necessity. Freedom to work if there is no job available is hardly true liberty. Freedom may become, and does become, a mockery for men and women who are free to do what they are able to, but cannot, do. This was not the freedom we had

in mind in earlier days when we adopted the Declaration of Independence; for then we coupled equality with liberty and liberty with the pursuit of happiness.¹¹

It has been understood for centuries that the soundest statecraft would provide for the widest range of liberty consistent with the common good. But why was so little done about it for so long a time? The early leaders did not have the idea of the equality of men, but proceeded on the theory that men were essentially unequal and that systems of law and economics, and ethics too, should be built accordingly—on caste and slavery systems. Liberty was essentially for the few, to whom was committed the right to rule and to possess and to enjoy the fruits of the civilization of the time, whatever it might be. They even convinced the slave that his chains were good for him, and that he should be happy to be alive under competent masters. To quarrel with custom or with the will of authority was evidence of a disordered mind—"subversive," we say in our day—and those who hatched such foolish ideas as the liberty of all were flouted and clouted by those who were on the inside. The lawyers, the warriors, and sometimes the priests, closed in on them and cried shame.

It was a great day for the human race—the new day of Creation—when the idea dawned that every man is a human being, an end in himself, with a right to the development of his own personality—that human beings had a dignity and a worth, respect for which is the firm basis of human association. This was not actually the doctrine of the caste system; it was buried in the magnificent passages of the great Plato; but it was found in the Stoic philosophy, in the Roman law, in the New Testament, in the natural law philosophy where there emerged the ideas of equality, of human rights for human beings. The early assertion of rights and claims was translated little by little into legal rights and claims, into political rights and claims, and finally into actualities as well as claims—all with the progressive support of ethics and religion, of law and government, of science and organization. Slavery, serfdom, institutional inequality, substandard living conditions, in turn fell before the advance of reason, religion, science, ushering in with discovery and creation a new world in new form.

¹¹ See Merriam, *On the Agenda of Democracy* (1941), Chap. 5, on new bills of rights.

This is the pedigree of liberty in the modern day. This is why the liberty of the present day which it is the function of the state to protect and preserve is not alone liberty from chains, but liberty for the fullest use of human faculties and abilities consistent with the general welfare.

One of the most subtle of all the many questions regarding the inner nature of liberty is the distinction drawn at times between freedom as an inner feeling and freedom as a fact. A slave may feel that he is free and rejoice even in his chains. Or one may be free and not know it. Or a free man may in reality be confined without realizing his limitation. He has not felt the tug of his chains, as he might if he went a little farther. The prisoner may go back to his prison, happier within than without. A determinist may conclude that man is never really free but always obeys some set of dominant forces shaping his judgment for him—physical, economic, cultural—forces beyond his control and even beyond his knowledge. This may be economic determinism, or mass pressure of the crowd or group, or some set of emotional characteristics personal to him—psychiatric determinism. A voluntarist, however, will maintain that alternative courses are open to a personality, and that in reality a wide range of free choices is spread before him. He may indeed prefer spiritual freedom to any other; or mental freedom to any other; his desire for freedom, in short, may take other than legal, political, or social forms as commonly understood.

How far human actions may be predetermined, I leave to theology, philosophy, geography, economics. For my part, I find less difficulty in assuming that there is freedom of choice in social relations than to assume there is none. Hence we may postulate choice as the basis of systems of government and society. I would go farther and declare that with the progress of the race, the human personality obtains a wider and wider range of free choices within which he may construct his personal world. His own creative powers expand in the expanding world which he develops as he goes, and which the society and state progressively and increasingly help him to construct on higher and finer levels.

This is in fact, then, one of the great ends of the state, one of the state functions which becomes increasingly important with the growth of science and civilization. Freedom is the crowning glory of the political society, or its deepest shame when it is not realized

in the lives of men and women.¹²

The purpose of government is not authority as such, but freedom. Authority may be abused, turned away from its true purpose, and may then in fact promote non-freedom. We cannot assume that power will not be turned into personal or selfish channels. On the other hand, the unrestrained and unorganized relations of individuals to individuals, or groups to groups, or groups to individuals, would not of themselves and by themselves produce complete liberty for all. Freedom is really possible only within a general framework of common understandings and procedures, some of which are set in the framework of the political society and others outside in other frameworks of social organization.

The development of human personality depends in large measure upon the types and forms of assistance and encouragement provided in the political setting. It is not the purpose of the state to repress liberty, but to encourage, foster, and promote it, on the largest possible scale. In providing security against external aggression, in organizing systems of order, in promoting justice, in encouraging the general welfare, the state advances the growth of liberty in the true sense of the term.

PRIORITIES IN ENDS

The struggle for priority among the ends of the state is one of the central points in the history of politics. What are the relative priorities of justice and order, if they come in conflict? Theodore Roosevelt once said to me: "Merriam, in case of a choice between order and justice, I will always be on the side of order, wouldn't you?" I replied, "Perhaps not. I belong to the Sons of the American Revolution."

What if there is a clash between freedom and welfare; or between security and freedom? In the long run, these ends will be balanced

¹² See discussion of "The Poverty of Power" in my *Political Power*. "Embedded in the poverty of power lies much of the liberty of the world, safe from the hand of the aggressor who would take it away. Rights may be defended by ideologies, by patterns of concrete interests, by institutional contrivances and procedures designed to hold back the arbitrary, but liberty is still more deeply entrenched. Naked hands and empty pockets may obstruct and antagonize the action of authority and with means which can scarcely be successfully opposed without destroying the basis of human association itself. These forms of resistance are understood almost as well by the ignorant as by the learned—indeed, sometimes more perfectly—and their action may be spontaneous, unorganized, unled in emergencies."

against each other, but in the short run, precedence will be given to one or another, following the lines of the common good as determined by those who have the responsibility of deciding. These decisions we know, both from history and from reflection, will be colored by the interests and by the social attitudes of the rulers and the ruled as well. Both external security and internal order are closely dependent upon general morale for their functioning, and cannot go too far afield in defying or disregarding or misinterpreting the common good as it appears to the generality of the community. Otherwise, armies cannot win battles or wars, and internal order breaks down in disorder and disturbance approaching revolution.

To make any useful appraisal or evaluation of the functions of the state, it is necessary to consider the several functions in their relationship one to another. The state does not exist for any one of these functions alone, such as order, or justice, or welfare, but for the group of functions taken together and in their relations to each other. The political pattern is found in this weaving together of various social duties and opportunities in varying ways and forms from time to time.

Historically, the different political associations have not always performed all of these functions or in balanced systems. Sparta was a warrior state; Athens, a welfare state (for some); Rome, a justice and order state. In the last century and a half, some of the western European states combined all the functions of the state except freedom, and some everything but welfare; some of the smaller states, like Switzerland and Holland, combined everything but (external) security, provided in large measure for them by others.

All of these states were set in the culture pattern of their time, which the political association in part reflected and in part created. Prevalent ideas and practices in religion, in familial relations, in agriculture, in industry, in science and technology, colored the policy and philosophy of the various governmental associations. In the narrower political field, war cast its shadows over the whole range of governmental activities, darkening the days of men, through their failure to rise above the lower levels of violence as a means of human relations. The failure to appreciate the dignity and moral equality of men bred doctrines and structures of caste and class, of slavery, serfdom, domination by small groups of power-hungry persons, who only too often employed the trusteeship of

state powers for cruelties and oppressions of unspeakable brutality. Only late in the history of the race was there intellectual and moral room for human equality, human freedom, welfare for all, a fair share of the gains of human advancement. It is small wonder that some have drawn the conclusion that the state is nothing but an instrument of exploitation and have demanded its elimination from human forms of association. Or that others have cynically concluded that the political is typically and inevitably the picture of exploitation of the many by the few, and that all calculations based upon any other assumptions are misleading and futile. Or that others have concluded that the essence of the state is military organization exerted for conquest, or even for development of other peoples by means of the warrior state. Or that human enterprise must always fear the heavy hand of government habituated to deeds of blood and schemes of personal aggrandizement through violence or fraud.

If we were to close the books of observation too early, such conclusions might be drawn, so slowly did justice and freedom break through the crust of custom and selfish interest, so tardily did the welfare of all find its way into state policy, so persistently were ideas of order and justice interpreted in the light of special interest, and so frequently were wars precipitated, not at the behest of general security, but at the instance of exploiters seeking prestige or material plunder through conquest.

Yet with the dawn of human dignity, the faint precursors of equality, justice, freedom, began to find their way through the gloom, moving toward the light of better life. Even then, unending limitations, restrictions, equivocations, ambiguities, broke the pledges given. Scientific invention and technology, the hope of a jural order of the world, the rational defense of human rights and dignity—these made possible states with high purposes acclaimed if not fully achieved—made it possible in these latter days to carry out more fully than before the practical expression of the ends of the community in daily life and practice.

AMERICAN GOVERNMENT AND POLITICS

THE 1942 CONGRESSIONAL ELECTIONS*

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In 1942 the Democrats elected 222 candidates to the House of Representatives, while the Republicans elected 209. It was the most successful election for the Republicans since they lost control of the House in 1930, and marked a tremendous resurgence in their power from its nadir in the 1936 election. The change in the popular vote was not great; in 1936, 41.3 per cent of the major party vote went to Republican congressmen, while in 1942 they received 51.6 per cent of the major party popular vote. Yet clearly we have been witnessing a Republican trend; and the problem of this article is to discover the basis on which it rests.

I

It is well known that the majority of people in any election vote on party lines. Yet there are always a number of people not affiliated with either major party, and a number of "mavericks" who vote for the opposition candidate. If "issues" are involved in any election, their influence can be detected only in the votes of such people. Our first analysis will be directed to discovering what national issues, if any, were involved in the 1942 congressional elections.

Before the elections, the Princeton University Office of Public Opinion Research interviewed a small but carefully selected national sample of potential voters on all questions which we thought might conceivably be of general importance in the elections. To determine the political affiliation of our respondents, we asked: "In national politics, as of today, do you regard yourself as a Republican, Democrat, or Independent?" After the election, we re-interviewed our respondents to discover whether they had actually voted, and whether they had voted for a Republican or a Democratic candidate in the Congressional elections. The vote in our sample was distributed in the following way:

* The surveys upon which this analysis is based were made through the facilities of the American Institute of Public Opinion. The writer is greatly indebted to George Gallup and Hadley Cantril for the use of this material. A less detailed report of the findings presented here is included in "The 1942 Elections; A Case Study in Political Psychology," by Hadley Cantril and John Harding, *Public Opinion Quarterly*, Vol. 7, pp. 222-241 (1943).

TABLE 1

	<i>Voted Republican</i>	<i>Voted Democratic</i>
Republicans	93	15
Democrats	15	62
Independents	26	19
Total	134	96

Thus 58 per cent of our sample voted Republican, as compared with 52 per cent of the country as a whole. Because our sample is an approximately accurate cross-section of the voting population of the country, we may assume that the issues which were important in determining the vote in our sample were those which were important in determining the vote of the country as a whole.

We investigated 49 potential issues by comparing the attitudes on these issues of people who voted Republican and people who voted Democratic. If there is no difference in the proportion of Republican votes and Democratic votes among those who agree with a certain question and those who disagree with it, it is clear that that question cannot have been a factor of general importance in influencing people to vote Republican or Democratic. But the converse is not true: since the great majority of Republicans voted Republican in this election, and the great majority of Democrats voted Democratic, it is possible for a traditional party issue to show a sizable difference between Republican voters and Democratic voters without that issue having been of any importance in the present election. The way to rule out this possibility is to compare the attitudes of Republicans who voted Republican with those of Republicans who voted Democratic, Democrats who voted Republican with Democrats who voted Democratic, etc.

For example, of those who voted Republican in the 1942 Congressional elections, 35 per cent thought Roosevelt was doing a good job in running the country; while of those who voted Democratic, 67 per cent thought Roosevelt was doing a good job. At first sight, this seems to support the theory of those political commentators who interpreted the election as a personal rebuke to the President. But when we make the detailed comparisons described above, we find the situation to be as follows:

When political affiliation is held constant, the differences between those who voted Republican and those who voted Democratic in the 1942 elections become small and statistically unreliable.

We analyzed in this fashion all questions on which there was an overall difference of more than 10 per cent between those who voted Republican and those who voted Democratic in 1942. Because of the small number of cases in our various categories, we accepted as significant only those differences which would occur less than one time in twenty as a

TABLE 2

*Per Cent Who Think Roosevelt
Is Doing a Good Job*

<i>Republicans</i>	
Voted Republican	27
Voted Democratic	20
<i>Democrats</i>	
Voted Republican	67
Voted Democratic	81
<i>Independents</i>	
Voted Republican	46
Voted Democratic	58

result of sampling errors. On only three of our questions were there statistically significant differences, and so only these three issues can be interpreted as having any general importance for the outcome of the elections. (We cannot be sure that the remaining issues were not important for some people; it is likely that many of them were. However, differences which were statistically unreliable were invariably either too small to be of any practical importance or not consistent from group to group—thus in Table 2 Republicans who voted for a Democratic Congressional candidate were *less* inclined to think Roosevelt was doing a good job than were Republicans who voted Republican. Although there may actually be differences of opinion concerning Roosevelt among these various groups, the hypothesis that there are none is not refuted.)

Our analysis showed the following issues to be of little or no importance in determining the outcome of the elections:

1. *President Roosevelt and his Administration:*

"Do you think Roosevelt is doing a good job, only a fair job, or a bad job in running the country?"

"Can you think of anything that a President of the United States should do that President Roosevelt has not done, or is not now doing?"

"Is there anything that particularly annoys you about the way the present Administration is conducting the war effort?"

"In general, would you say that the men President Roosevelt has appointed as heads of various war agencies in Washington are the best men he could get, or do you think he could have found better people to do the job?"

"Some people say President Roosevelt has not been tough enough in dealing with heads of government departments concerned with the war effort. Do you agree, or disagree?"

"Suppose Roosevelt runs for a fourth term for President in 1944—as of today, do you think you would vote for him?"

2. *The War and the War Effort:*

"Before the Japs attacked us at Pearl Harbor, a lot of people thought we should try to keep out of war rather than run the risk of getting in by sending supplies to England and Russia. Were you in favor of risking war by sending supplies to England, or were you in favor of trying to keep out of war?"

"Do you feel that you have a clear idea of what this war is all about—that is, what we are fighting for?"

"Do you think the United States is doing all it possibly can to win the war?"

"Which of these two things do you think the United States should do: Send most of our army abroad to fight the enemy wherever they are, or keep most of our army at home to protect the United States?"

"If the German army overthrew Hitler and then offered to stop the war and discuss peace terms with the Allies, would you favor or oppose accepting the offer of the German army?"

"Do you feel that you personally are doing something that is important in helping to win the war?"

"Do you think that there are some people in your community who are taking unfair advantage of the war?"

"Do you think the country's production of arms, airplanes, and other war materials is going ahead fast enough?"

"Should the President, as commander-in-chief of the armed forces of the country, name a military leader to direct both the army and the navy?"

"The way things are going right now, does it seem to you that we are winning the war, or losing it?"

"Do you think the draft is being handled fairly in this community?"

"Since we got into the war, do you think that your family has been treated fairly in regard to:

(a) The draft?

(b) Food rationing?

(c) Taxes?

(d) Wages?

(e) Hours of work?

(f) Recognition of work by superiors?

"Do you think Congress has done all it can toward furthering our war effort?"

"Would you vote against a Congressman because he was an isolationist before we got into the war?"

"Do you think our war effort would proceed faster, or not so fast, if the Republicans had more power in Washington?"

"Which party would you like to have in control of Congress when the war comes to an end and questions of future world peace are being discussed?"

"Is there any member of your immediate family in the armed forces?"

3. *Post War Problems:*

"Do you think your own lot will be better or worse after this war?"

"If we have a depression after the war, do you think the Government should continue large-scale spending for public works in order to keep people employed?"

"Do you think the next generation in this country would be better off if there were fewer wealthy people?"

4. *Organized Labor:*

"What, in general, is your attitude toward labor unions?"

"Would you like to see the labor union movement encouraged or discouraged?"

"Should Congress pass a law forbidding strikes in war industries until the war is over, or should workers in war industries continue to have the right to go on strike?"

5. *Miscellaneous:*

"Do you think Congress has done a good, bad, or indifferent job in the past two years?"

"Do you think farmers will, generally, be better off or worse off if the country goes more Republican in the coming elections?"

"During the last ten years, have you, or has any member of your family, ever received any payments from the Federal Government?"

"Should the Irish Free State join the Allies in declaring war on Germany?"

"Do you think the British are doing all they possibly can to win the war?"

"Do you think success is dependent mostly on luck, on ability, or on pull?"

"Would you say that in the last year you have had less than your share of good luck, or more than your share?"

"Do you think Hitler did the right thing when he took away the power of the Jews in Germany?"

"Do you think the Jews have too much power and influence in this country?"

At least two issues were of general significance in the 1942 Congressional elections. The first was: "Do you feel that your own security and welfare during the rest of your life would be better under the Republicans, or

under the Democrats?" The following table shows, in percentages, the vote in the election by answers to this question, with political affiliation held constant:

TABLE 3

	<i>Republicans</i>		<i>Democrats</i>		<i>Independent</i>	
	<i>Better under Republicans</i>	<i>Other</i>	<i>Better under Democrats</i>	<i>Other</i>	<i>Better under Republicans</i>	<i>Better under Democrats</i>
Voted Republican	91	78	10	31	77	25
Voted Democratic	9	22	90	69	23	75
Number of Cases	67	41	41	36	13	8

Although the number of cases is small, these differences are significant at the five per cent level. This table should not be interpreted as indicating that a belief that their own welfare would be *better* under the opposite party was the factor which actually caused Democrats to vote Republican, or Republicans to vote Democratic. Of the thirty "mavericks" who switched their vote, only one said that he thought his security and welfare would be *better* under the party he was now voting for. What happened was that 10 of the "mavericks" thought they would be better off under the party with which they were traditionally affiliated, even though on this occasion they were voting for the opposition candidate; while the remaining 19 who switched their votes did not indicate a preference for either party from the standpoint of advantage to their own security and welfare.

In other words, concern for personal security and welfare did not *change* many votes in this election, but it did help to hold in line many people who might otherwise have voted for the opposition candidate. Among people who were not convinced that Congressional rule by the party to which they belonged would mean any advantage to their own welfare, there was a much greater readiness to vote for the candidate of the other party.

The second issue of general importance in the elections was really a special phase of this first issue. Our question was: "Do you think *workers* will, generally, be better off or worse off if the country goes more Republican in the coming elections?" The relation of this question to vote in the election is shown, in percentages, in the following table:

TABLE 4

	<i>Republicans</i>		<i>Democrats</i>		<i>Independents</i>		
	<i>Better</i>	<i>Same or Worse</i>	<i>Better or Same</i>	<i>Worse</i>	<i>Better</i>	<i>Same</i>	<i>Worse</i>
Voted Republican	93	80	27	14	93	38	44
Voted Democratic	7	20	73	86	7	62	56
Number of Cases	43	54	26	44	14	16	9

This issue, too, was of more importance in holding voters to their customary party allegiance than in inducing them to switch their votes, since of the thirty who switched only three thought that workers would actually be better off under the party for which they were now voting. It is possible that these two issues were of more importance for the Independents than they were for the Republicans or the Democrats. In both tables we see that the great majority of Republicans and Democrats voted according to their party allegiance, regardless of their opinions on these issues; but the great majority of Independents voted in the way that would be expected from their attitude on these two questions.

A third question shows significant differences by party vote in the election, but it is doubtful whether it was a genuine issue. The question is: "Do you think the candidate you will vote for is likely to follow nearly all of the proposals made by the President to run the country, or do you think he will frequently oppose the President's policies?" We know that a larger proportion of Republicans who voted Democratic think their candidate will follow the President's policies than Republicans who voted Republican, etc.; but we do not know whether this is just realism *post factum*, or whether this realization was of some causal significance in determining their vote.

We have already seen that no one of the six questions bearing on approval of President Roosevelt and his policies showed significant differences by vote in 1942 when political affiliation was held constant. It is possible to make another test by combining the answers to all six questions to see whether the *general trend* is toward greater approval among Republicans who voted Democratic than among Republicans who voted Republican, etc. Such a comparison shows no significant differences among Republicans or among Democrats, but there is a small but reliable difference in attitude between Independents who voted Republican and Independents who voted Democratic—the latter show greater confidence in the President.

However, we must not be too ready to interpret this difference as of causal importance for the vote in the 1942 election. Closer analysis shows that many of the "Independents" are not nearly so independent as they claim to be: of the 21 whose fathers were Republican, three-fourths voted Republican in this election; while of the 14 whose fathers had been Democrats, two-thirds voted Democratic in the present instance. If we hold father's political affiliation constant—on the theory that it will affect the son's inclinations, if not his professed allegiance—we find that the relation between attitude toward President Roosevelt and his administration and vote in the 1942 Congressional elections is no longer significant at the five per cent level.

In summary: Since there is no real evidence for an association between attitude toward the President and vote in the Congressional elections

when political affiliation is held constant, it is probable that few if any people changed their votes out of desire to elect a Congressman who would oppose the President's policies. The difference in opinion between the Republicans who voted Republican and the Republicans who voted Democratic, etc., probably reflects merely a realistic appraisal of what their candidates were likely to do. The following table shows, in percentages the opinions of the various groups on the question: "Do you think the candidate you will vote for is likely to follow nearly all of the proposals made by the President to run the country, or do you think he will frequently oppose the President's policies?"

TABLE 5

	<i>Follow</i>	<i>Oppose</i>	<i>No Opinion or No Answer</i>	<i>Number of Cases</i>
<i>Republicans</i>				
Voted Republican	12	61	27	93
Voted Democratic	40	27	33	15
<i>Democrats</i>				
Voted Republican	53	33	14	15
Voted Democratic	76	13	11	62
<i>Independents</i>				
Voted Republican	31	38	31	26
Voted Democratic	53	16	31	19

Although there were no other issues of *general* importance in this election, two issues seemed to be important within the Democratic party.¹ The most striking differences are found on the question: "Do you think Negroes are getting all the opportunities they deserve in this country, or do you think, in general, they are not being treated fairly?" The following table shows, in percentages, the relation between this question and vote in the Congressional election:

TABLE 6

	<i>Democrats</i>	
	<i>Negroes Getting All the Opportunities They Deserve</i>	<i>Negroes Not Being Treated Fairly</i>
Voted Republican	10	53
Voted Democratic	90	47
Number of Cases	52	15

It might be thought that this difference results from the presence in our sample of thirteen Southern Democrats, nearly all of whom thought the

¹ Our discussion thus far has rested upon the evidence of our whole sample of 280. Since the following argument applies to only a portion of that sample, selected *a posteriori* as showing the greatest differences on various questions, it is necessary to adopt a more rigid criterion of significance for these differences. We took the one per cent level of significance as our criterion for differences within a single political party.

Negroes were getting all the opportunities they deserved, and nearly all of whom voted Democratic. However, the difference in vote among the non-Southern Democrats is just as great as the difference among the Southern Democrats when the two groups are studied separately on this question.

On the question: "Do you think *business men* will, generally, be better off or worse off if the country goes more Republican in the coming election?", there were also significant differences by vote in 1942 within the Democratic party (expressed in the following percentages):

TABLE 7

	<i>Better Off</i>	<i>Democrats Same</i>	<i>Worse Off</i>
Voted Republican	41	19	4
Voted Democratic	59	81	96
Number of Cases	22	18	27

The switch of 15 Democrats in our sample to the Republican side could almost be accounted for on the basis of these two issues alone, since 14 out of the 15 believed either that Negroes were not being treated fairly at present or that business men would be better off if the country went Republican.

Conclusions. If we include "Independents" who voted as their fathers had voted before them, we find that 78 per cent of the vote in the 1942 Congressional elections was cast strictly according to party lines. The Republicans won a majority mainly because more Republicans went to the polls. This happened because a larger proportion of Republicans were interested in the elections, and because a larger proportion were eligible to vote in them.²

Apart from sentimental ties, the main reason why voters followed their traditional party allegiances was the belief that their own security and welfare would be greater if their party won. The main issue of the election was whether *workers* would be better or worse off if the country went Republican. Within the Democratic party, there were two other issues of importance: whether or not Negroes were being treated fairly, and whether the lot of business men would be bettered or worsened by a Republican victory. No other issues seemed to be of any general importance.

II

In the preceding section, we have analyzed shifts in the votes of *individuals*; in the present section, we shall analyze shifts in the votes of

² The influence of differential turnout on the election is shown in detail in Cantril and Harding, *op. cit.*

groups. The first problem is to decide on a base from which to compute our shifts. The experience of the last ten years has shown a consistent difference between the vote cast in Congressional elections in presidential years and the vote cast in Congressional elections in "off years." The following table summarizes this information.

TABLE 8

<i>Year</i>	<i>Republican Representatives Elected</i>	<i>Democratic Representatives Elected</i>	<i>Number of Votes Cast</i>
1932	117	310	39,816,522 ³
1934	103	319	32,279,792
1936	88	333	45,646,817 ³
1938	169	262	36,203,133
1940	162	267	49,815,312 ³
1942	209	222	28,111,583

The largest vote cast in an off-year election is smaller than the smallest vote cast in a Presidential year. Also the Republicans have done better in the off-years: Their average for the three off-years is 160 Representatives elected, while their average for the three Presidential years is 122 Representatives. The Democrats, on the other hand, averaged 268 Representatives in the three off-years and 303 in the three Presidential years. In the rest of this section, we shall analyze the trend shown in the three off-year elections—1934, 1938, and 1942. The following table shows the percentage of the major party vote going to Republican Congressional candidates in the different regions of the country:

TABLE 9⁴

	<i>1934</i>	<i>1938</i>	<i>1942</i>
East	46.8	51.7	52.3
Midwest	46.5	53.4	56.6
Far West	42.2	46.4	50.4
South	21.9	21.9	22.8

Democratic control of the South has long been unchallenged. The swing back to Republicanism in these eight years took place almost entirely in the other three sections of the country. For this reason, we shall ignore the South in our subsequent discussion. The question now becomes: Was the Republican trend in the rest of the country a general phenomenon, or was it confined to particular groups or particular types of people?

³ These figures show the total vote cast for *Presidential* candidates. In 1932, the total Congressional vote was 2.3 million less than the Presidential, and in 1936 it was 2.7 million less.

⁴ These figures are taken from Associated Press dispatches printed in the *New York Times*, Dec. 17, 1934, and Dec. 25, 1942.

We shall attempt to answer this question from an examination of the data collected by the American Institute of Public Opinion. Since the Institute was not functioning in 1934, we are limited to the 1938 and 1942 elections. On the last ballot sent out before the 1938 election, registered voters were asked: "If you were voting for Congressman today, would you be most likely to vote for the Republican candidate, the Democratic candidate, or the candidate of some other party?" Of those favoring major party candidates, 50.8 per cent thought that they would vote Republican (Southern voters are excluded in these and all subsequent tabulations in this section). On the previous ballot, this same question was asked of *all* respondents, whether or not they were eligible to vote; the corresponding percentage of Republicanism was 49.2. Immediately after the election, respondents were asked how they had voted; among these people, 52.2 per cent of the major party vote had gone Republican. The reason for the progressive increase in Republican sentiment on the three ballots will be discussed in the final section of this article; what is important for us here is that if we take all the people on the three ballots who lined up on the Republican side and all who lined up on the Democratic side, we have a sample of 6,579 voters, of whom 50.8 per cent were Republican in this election. The actual Republican percentage of the major party vote (outside the South) was 51.6; in this respect at least, our sample is an accurate cross-section of the voting population.

Registered voters outside the South were asked the same question on the last two ballots sent out by the American Institute of Public Opinion before the 1942 election. By combining respondents in the same way as before, we achieve a sample of 4,127 potential voters, of whom 53.3 per cent intended to vote Republican. The actual Republican percentage of the major party vote in this election (outside the South) was 53.9. In this article we shall assume that the factors influencing voting intention (as measured by AIPO surveys) in the 1938 and 1942 Congressional elections were the same as the factors influencing the actual vote as measured by election returns.

The following tables show voting intention by age and sex in each of the two elections:

TABLE 10

	1938		1942	
	<i>Per cent Republican</i>	<i>Number of Cases</i>	<i>Per cent Republican</i>	<i>Number of Cases</i>
Under 30	48	1424	48	579
30-39	48	1726	50	949
40-49	51	1474	52	969
50-59	53	1055	56	852
60 and over	57	899	60	709

TABLE 11

	1938		1942	
	<i>Per cent</i> <i>Republican</i>	<i>Number</i> <i>of Cases</i>	<i>Per cent</i> <i>Republican</i>	<i>Number</i> <i>of Cases</i>
Men	50	4559	53	2654
Women	53	2019	54	1428

The tables show a tendency toward greater Republican gains among men and among older people, but the differences are not statistically reliable. More striking are the differences by occupation:

TABLE 12

	1938			1942	
<i>Occupation^a</i>	<i>Per cent</i> <i>Republican</i>	<i>Number</i> <i>of Cases</i>	<i>Occupation^a</i>	<i>Per cent</i> <i>Republican</i>	<i>Number</i> <i>of Cases</i>
Farmers	56	1038	Farmers	61	624
Professional	59	491	Professional	60	317
Business men	67	996	Semi-professional	52	68
Skilled workers	50	547	Business men	64	534
Unskilled workers	43	877	White collar workers	54	647
Skilled white collar	55	577	Skilled workers	47	475
Unskilled white collar	52	307	Semi-skilled	41	556
Unemployed	36	308	Domestic service	50	32
WPA	22	700	Protective service	51	96
Undesignated	56	741	Other service workers	47	283
			Laborers	48	318
			Undesignated	52	178

Since the American Institute of Public Opinion completely revised its occupational classification during the period between the two elections, it is difficult to make comparisons between the 1942 data and those for 1938. Breakdowns by economic status (as rated by the interviewers) do not solve the problem, because these categories were also revised between the two elections. It is possible, however, to divide each sample into the following broad groups: (1) business and professional (the two most Republican occupational groups), (2) farmers, and (3) all others. The last two groups can be subdivided into those with residential telephones and those without telephones. (A question on telephone ownership is always included on AIPO ballots, since this is a simple objective criterion of economic status.) Analysis of the economic status ratings shows that the hierarchy is approximately (1) business and professional people (nearly all of whom have residential telephones); (2) telephone owners in other occupations; (3) non-telephone owners in other occupations.

Since analysis shows important differences by city size, the non-farmers were divided into those living in cities over 100,000 and those living in

^a Students and housewives were classified according to the occupations of their fathers or husbands.

cities or towns under 100,000. The categories in this system of classification have exactly the same meaning for the 1938 sample as they do for the 1942 sample. In the following two tables, the percentages represent the proportion of the major party vote going to the Republicans, and the figures in parentheses represent the number of cases on which the percentages are based.

TABLE 13
Republican Voting Intentions in 1938
Cities over 100,000 Towns under 100,000 Farmers Total

Business and professional	61.2% (624)	66.4% (864)		64.2% (1488)
Telephone owners	48.0% (675)	58.7% (996)	59.7% (578)	55.8% (2249)
Non-telephone owners	32.6% (986)	41.5% (1396)	50.4% (460)	39.8% (2842)
Total	44.9% (2285)	53.4% (3256)	55.6% (1038)	50.8% (6579)

TABLE 14
Republican Voting Intentions in 1942
Cities over 100,000 Towns under 100,000 Farmers Total

Business and professional	54.8% (392)	69.7% (458)		62.8% (850)
Telephone owners	46.6% (431)	62.0% (621)	62.7% (362)	57.5% (1414)
Non-telephone owners	35.4% (706)	50.3% (877)	58.7% (254)	45.7% (1837)
Total	43.6% (1529)	58.5% (1956)	61.0% (616)	53.3% (4101)

The next table shows Republican gains in percentages. The figures in parentheses are the standard errors of the respective percentages.

TABLE 15
Republican Gains—1938 to 1942
Cities over 100,000 Towns under 100,000 Farmers Total

Business and professional	-6	3		-1 (2.1)
Telephone owners	-1	3	3	2 (1.7)
Non-telephone owners	3	9	8	6 (1.5)
Total	-1 (1.6)	5 (1.4)	5 (2.5)	2.5

Thus we see that the Republican gain was six per cent greater among farmers and people in small towns than it was in cities over 100,000. The critical ratios associated with these differences are 2.2 and 3.0, respectively. The Republican gain was seven per cent greater among non-telephone owners than among business and professional people (critical ratio: 2.8); in fact, among business and professional people in large cities Re-

publican strength seems actually to have declined six per cent during this four-year period.

Though our samples are large enough to insure a fairly high degree of reliability in our results, it is worth while to check them against an independent source. On two surveys taken immediately after the 1942 election, respondents were asked for which party they had voted. Of 3,086 major party voters, outside the South, 56.7 per cent said they had voted Republican. (This over-estimation of the Republican vote in surveys taken after the election occurred also in 1938; cf. p. 53 above.) The following table gives the Republican gains which these surveys showed in various groups. Gains are computed from the three 1938 surveys as a base. The figures in parentheses represent the number of cases sampled in the 1942 post-election surveys.

TABLE 16

	<i>Republican Gains—1938 to 1942</i>			
	<i>Cities over 100,000</i>	<i>Towns under 100,000</i>	<i>Farmers</i>	<i>Total</i>
Business and professional	-3% (294)	7% (422)		3% (716)
Telephone owners	2% (317)	5% (527)	4% (319)	4% (1163)
Non-telephone owners	2% (380)	10% (600)	8% (227)	8% (1207)
Total	1.5% (991)	8% (1549)	6% (546)	6% (3086)

Allowing for the three per cent over-estimation of the Republican vote in 1942, these figures constitute almost a complete duplication of Table 15. Tables 13 to 16, taken together, seem to demonstrate (1) that the upper economic groups are more Republican than the lower; (2) that rural areas are more Republican than urban; (3) that differences in Republicanism by economic status are less in rural areas than in urban areas; (4) that the differences by economic status have decreased between 1938 and 1942; (5) that the rural-urban differences have increased between 1938 and 1942; and (6) that, nevertheless, the economic status differences remained larger than the rural-urban differences.

To check these findings, we analyzed two more questions appearing on AIPO surveys in the fall of 1942: "Did you vote for Willkie, Roosevelt, or Thomas in the 1940 Presidential election?" and: "Which political party would you like to have in control in Congress when the war comes to an end and questions of future peace are being discussed?" The following tables show breakdowns on these two questions according to our previous scheme. The percentages indicate the proportion of Republican sentiment among major party voters outside the south, and the figures in parentheses indicate numbers of cases.

TABLE 17
Republican Vote in 1940

	<i>Cities over 100,000</i>	<i>Towns under 100,000</i>	<i>Farmers</i>	<i>Total</i>
Business and professional	50.6% (405)	60.4% (566)		56.3% (971)
Telephone owners	40.4% (475)	51.2% (719)	53.2% (387)	48.5% (1581)
Non-telephone owners	21.4% (721)	36.6% (887)	42.3% (326)	31.9% (1934)
Total	34.4% (1601)	47.7% (2172)	48.2% (713)	43.0%* (4486)

TABLE 18
Preference for Republican Postwar Control

	<i>Cities over 100,000</i>	<i>Towns under 100,000</i>	<i>Farmers</i>	<i>Total</i>
Business and professional	53.0% (332)	60.8% (424)		57.4% (756)
Telephone owners	41.5% (359)	51.7% (538)	57.2% (304)	50.0% (1201)
Non-telephone owners	28.3% (633)	39.7% (754)	51.0% (247)	37.0% (1634)
Total	38.1% (1324)	48.7% (1716)	54.4% (551)	45.6% (3591)

The general effect of these tables is to confirm the analysis which we have already presented. The evidence concerning economic status differences and rural-urban differences is summarized in Table 19. Each entry under the heading "Differences by economic status" is derived by subtracting the percentage of Republicanism among non-telephone owners from the percentage among business and professional people shown in one of the tables already presented. Each entry under the heading "Rural-urban differences" is derived by subtracting the percentage of Republicanism among people in cities over 100,000 from the percentage among farmers in the same table.

TABLE 19
Differences (in percentages) in Proportion of Republican Sentiment

	<i>Economic Status</i>	<i>Rural-urban</i>
Vote in 1938	24	11
Vote in 1940	24	14
Voting intentions in 1942	17	17
Actual vote in 1942	19.5	15
Preference (in 1942) for postwar political control	20	16

It is clear that economic status became rather less important as a determinant of political affiliation during these four years, and that rural or

* This over-estimation of the Roosevelt vote (i.e., 57 per cent in 1940, not counting the Southern states) has been characteristic of all AIPO surveys taken after the 1940 election. It may be interpreted as a belated "band-wagon effect." Cf. Cantril and Harding, *op. cit.*

urban residence became rather more important. What is the explanation of this change? The diminished importance of economic status is almost certainly the result of the general prosperity created by the war. The breakdown by interviewers' ratings of economic status is particularly revealing on this score. The following table is based on the two large samples for which we have already reported differences in voting intention by age, sex, and occupation.⁷

TABLE 20

1938			1948		
<i>Economic Status</i>	<i>Per cent Republican</i>	<i>Number of Cases</i>	<i>Economic Status</i>	<i>Per cent Republican</i>	<i>Number of Cases</i>
Wealthy	75.1	209	Wealthy	77.7	121
Average plus	67.9	820	Average plus	67.6	438
Average	57.1	2414	Average	59.1	1268
Poor plus	46.6	976	Poor	46.3	2008
Poor	45.5	1053	Home relief and old age assistance	48.5	167
Home relief and old age assistance	39.3	389	WPA	26.3	76
WPA	22.6	718	Undesignated	66.7	48

In some categories, the Republicans seem to have gained; in others, they seem to have lost; but the differences are not statistically reliable except in the case of the home relief and old age assistance group. *It is clear that the main source of the Republican gains was the almost complete disappearance of the WPA.* It is natural that these people, whose standard of living was completely dependent on favorable Congressional action, should be much more heavily Democratic than any other group. It will be remembered that (excluding the South) the Republicans made an actual gain of only 2.3 per cent of the popular vote in these four years. The extent to which this gain was due to the disappearance of the WPA following the war and its attendant prosperity is strikingly shown in the following table. This table is merely a condensation of Table 20.

TABLE 21

1938			1948	
	<i>Per cent Republican</i>	<i>Number of Cases</i>	<i>Per cent Republican</i>	<i>Number of Cases</i>
WPA	22.6	718	26.3	76
All others	54.3	5861	53.9	4050

The disappearance of the WPA vote also helps to explain the fact that Republican gains were greater in the small towns than in the big cities. In 1938, the proportion of Republicanism among WPA workers in towns under 100,000 was 24 per cent, while it was 21 per cent among WPA

⁷ It would be desirable to study Republican gains in the various religious and ethnic groups of the country; unfortunately, this is impossible, since religious and ethnic data were not secured in the 1938 surveys.

workers in cities over 100,000. In other words, the WPA workers at this time constituted an interest group whose political allegiance was almost completely independent of city size. (Farmers may be neglected in this comparison, since in our 1938 sample only eight out of 1,038 were on WPA.) If we assume that after leaving the WPA these people reverted to their former-political affiliations, and that these affiliations were typical of non-telephone owners in large cities and small towns respectively, then the ex-WPA workers in cities over 100,000 went from 21 per cent Republican in 1938 to 35 per cent Republican in 1942, while the ex-WPA workers in towns under 100,000 went from 24 per cent Republican in 1938 to 50 per cent Republican in 1942. This is only an hypothesis, but it does help to explain the observed facts: that the Republicans gained three per cent among non-telephone owners in cities over 100,000 and nine per cent among non-telephone owners in towns under 100,000.

Though non-WPA workers did not, on the average, become any more Republican between 1938 and 1942, one important group among them did so. This group was the farmers. In 1938, large government subsidies were being used to keep farm prices up, while in 1942 the efforts of the government were devoted to keeping farm prices down. It is reasonable to suppose that during this four-year period a sizeable number of farmers came to believe that their economic interests would be better served under a different administration.

Both farmers and people in small towns are traditionally Republican. Our hypothesis is that these people were to some extent shaken out of their Republicanism during the economic crises of the 1930's and returned to the fold when their economic interests no longer seemed to demand a Democratic administration. Business and professional men are also traditionally Republican; though many of them voted Democratic in desperation in 1932, it was clear to the majority of them by 1938 that they had nothing more to gain from a Democratic Congress. Though the volume of anti-Administration criticism coming from this group seems to have increased with the advent of the war, there is no evidence that their economic interests have actually been damaged to an extent great enough to influence their voting.

People in big cities are traditionally Democratic. Among these, economic and social security legislation is a matter of great concern; this remains true to a large extent in spite of the war and war prosperity. Like the business and professional men, big-city people remained fairly stable in their political allegiance from 1938 to 1942. If we isolate specifically the group of big-city people who are also in business and professional occupations, we find an actual increase in Democratic strength in 1942. In this election, they were only one per cent more Republican than the national average. Many of these people may have benefited from government contracts during the war; at any rate, the war and its attendant

prosperity have *not* (as with the farmers and the ex-WPA workers) made them less favorable to the present Democratic Administration. That this relatively high Democratic sentiment is not likely to persist is shown by their preference for postwar political control (see Table 18). On this issue, they are again seven per cent more Republican than the national average.

Conclusions. In general, our conclusions from the study of group differences in the 1942 Congressional elections are the same as were our conclusions from the study of individual differences. Apart from sentimental ties, the main determinant of Congressional voting was the voter's conception of his own economic interest. In the first section of this article, we saw how the voter's conception of his economic interest was shaped by his traditional party affiliation. Among business men, those who were traditionally Republican thought that business men in general would be better off under a Republican Congress; while those who were traditionally Democratic thought that business men in general would be better off under the Democrats—and so on down the list of occupations. Yet the influence of the objective situation was strong enough to produce a great number of traditionally Republican business men, and only a small number of traditionally Republican laborers.

It is this changing objective situation which provides the basic explanation of changing political affiliations in different groups. Not many people change their allegiance; the vote in any one national election is correlated .8 or .9 with the vote in the next election; in no section of the country did the Republicans gain more than 10 per cent of the popular vote between 1934 and 1942. Yet in every election some individuals do "see the light"; they go on WPA and begin voting Democratic, or they go off WPA and return to voting Republican. Thus any political equilibrium is unstable.

GOVERNMENT PAMPHLETS ON THE WAR

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In a democracy, understanding is an essential ingredient of intelligent action. We the people cannot be expected to play our proper rôle in the drama unfolding before us today if we are not kept informed about the why and the how of the war. We ought to know our enemies, and their mad dream of world conquest. We ought to know our Allies and the sacrifices they are making to win a war which we could never have won without their help. We ought to know what we as individuals can do to bring our

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enemies to their knees more quickly. And finally, we ought to know something about the things we are fighting for. In the words of Mr. Elmer Davis, director of the Office of War Information, "This is a people's war, and to win it the people should know as much about it as they can."

To help "facilitate the development of an informed and intelligent understanding . . . of the status and progress of the war effort"—according to the executive order creating the OWI—the federal government has utilized five main media: motion pictures, the press, radio, graphics, and face-to-face discussion. While reaching a more limited audience, government pamphlets have served as an invaluable sixth medium. A review of a select list of the pamphlets about the war on the world front may be of particular interest to political scientists for two reasons: (1) the publication and distribution of such pamphlets is one important phase of the wartime activities of our government; and (2) they are an excellent source of information for teachers and other community leaders upon whose shoulders has fallen much of the responsibility for keeping our people informed about the war.¹

I. GENERAL AMERICAN FOREIGN POLICY

The most important contribution of any government agency to a better understanding of the background of World War II was made by the Department of State in *Peace and War: United States Foreign Policy, 1931-1941* (1942, pp. 144, 25¢). This "White Paper," the first government document to become a best seller, is a scholarly but dramatic summary of American policy during the fateful decade preceding Pearl Harbor. As

¹ For purposes of summary and evaluation, the writer has selected some thirty pamphlets which have appeared during the first two years of the war. Those dealing primarily with domestic problems have not been included. It should be kept in mind, too, that the government's pamphlet program was changed materially in July, 1943, when Congress reduced the appropriations of the domestic branch of the Office of War Information and forbade the further distribution of OWI pamphlets. In many cases, however, copies may still be obtained from local libraries or war information centers. Copies of the other pamphlets referred to in this article may also be secured as follows:

- (1) Coordinator of Inter-American Affairs—from the CIAA office in Washington. Available free in limited quantities for groups and organizations.
- (2) Office of Lend-Lease Administration—from the Foreign Economic Administration, Washington. Available free in very limited quantities.
- (3) Office of Education—the supply of the pamphlet referred to is exhausted.
- (4) Department of State—at prices indicated, from the Superintendent of Documents, Government Printing Office, Washington.
- (5) National Resources Planning Board—at slight charge from the Superintendent of Documents, Washington.
- (6) War Production Board—very limited quantity available free from the WPB, Washington.
- (7) United Nations Information Office—the office in New York City.

such, it is a play-by-play account of the great game of world politics—a record of the policies and acts by which we attempted to combat the rising tide of fascism in Europe, Asia, Africa, and Latin America. The table of contents refers to such familiar landmarks as the conquest of Manchuria, the disarmament conferences, the Ethiopian fiasco, neutrality legislation, the China incident, Munich, rearmament, Lima, the destroyer deal, the Atlantic Charter, and so on. But the point of view is fresh, and it is not often one gets so much from reading so little. It is an excellent bird's eye view of the developing storm.

Almost by way of apology, the reader is reminded that two important factors limit the conduct of foreign affairs by the executive branch: (1) the state of public opinion at any given moment; and (2) the policies and actions of other governments. That the general public was not ready for a vigorous policy during the 1930's is clear. While the President and the Secretary of State were early convinced that the march of fascist aggression vitally affected American security, the people did not believe that war abroad could seriously threaten us. As one passes in review the fateful years, it becomes more and more evident that our policy had to progress slowly, in line with the gradual evolution of public opinion away from isolation towards collective security. Under the circumstances, one can understand why more vigorous action was not possible. But one wonders what might have happened if the State Department, with its "wide access to many sources of information," had taken positive steps to keep the public abreast of developments on the world front.²

II. THE UNITED NATIONS

Although this is emphatically a United Nations war, thus far our government has published surprisingly little about the United Nations as such. The difficulties involved in the preparation and clearance of manuscripts is no doubt a principal reason; as one was suggested, to secure the approval of 32 governments for every word contained in a pamphlet is a feat second only to that of winning the war! Moreover, the Information Offices of South Africa, Australia, Great Britain, and other United Nations are doing an excellent job of keeping the American public informed about the activities of their respective governments.³

² In the light of recent experience, we should be buying insurance for the future if we should move now to create, in the Department of State, a thoroughgoing, up-to-date Bureau of Public Information. For only if the people know what is happening, and the Department in turn understands what the people are thinking, can our policy be safely and soundly formulated. [The reorganization of the Department announced on January 15, 1944, provides for an Office of Public Information. MAN. ED.]

³ See, for example, such pamphlets as *The Job Australia is Doing*, and *South Africa at War*.

Of the materials available, *The Thousand Million* (OWI, 1942, pp. vi, 50) is probably the best. First printed early in 1942, it rapidly became one of the government's most popular publications, having been revised and re-run on several occasions. Its appeal lies in the fact that it brought together for the first time "brief stories about the United Nations, where one thousand million friends of the United States live, work, and fight." These stories are for the most part rather dramatically written, but contain enough in the way of essential facts about the history, climate, area, population, products, government, and geography of the countries to make the pamphlet extremely worth while.

Somewhat similar in nature, and complementary to *The Thousand Million*, is *The United Nations: Who They Are—What They Are Doing* (1943, pp. 20), published by the United Nations Information Office in New York City. This is an attempt to explain briefly the rôle that each of the United Nations is playing in the defeat of the Axis. In general, each description is divided into three parts: (1) background facts about the country in question; (2) its status in and contribution to the war; and (3) its rôle as one of the United Nations. Since 34 nations are passed in review, the amount of space devoted to each is necessarily limited. Of particular interest is the chart indicating the status of the belligerent and non-belligerent governments in respect to the Axis.

A still different approach is to be found in *Facts About the United Nations* (OWI, 1943, pp. 17), which takes as its basic theme the idea that team-work will win the war and the peace. The writers set forth numerous examples of United Nations team-work on land, in the air, and on the sea, through lend-lease machinery, and through numerous other coöperating agencies. They then develop the point that the growing mutual trust and understanding among the United Nations—the natural result of team-work to win the war—should furnish a sound basis for lasting coöperation once the fighting is over. While the pamphlet was prepared especially for Flag Day (1943), the facts included, together with the statements on collective security by United Nations leaders, are of general interest.

One of the truly inspiring chapters of United Nations history will tell of the heroic activities of those patriots in occupied countries who have continued to fight back against insuperable odds. Today there are dozens of stories of sabotage in France; industrial slow-downs in Czechoslovakia; underground activities in Belgium; anti-Nazi demonstrations in Holland; open rebellion in Yugoslavia. In the early months of 1942, when *The Unconquered People* (OWI, 1942, pp. 11) was written, these stories, full of humor, pathos, courage, and determination, were a real inspiration to our war effort. At the close of 1943, with Nazi barbarism known the world over, they still constitute an interesting fragment of the story that will one day be told of European resistance to Nazi domination.

Teachers and discussion leaders may also find *United Nations Discussion Guide* (Office of Education, 1942, pp. 12) of value, even though it is now out of date. Written by Vera M. Dean and published by *Reader's Digest*, *Time*, and *Newsweek* magazines, the guide was designed to stimulate organized discussion about the United Nations and to arm our educational forces for effective action on the home front. The five sections into which the guide is divided, and the leading questions under each section, still constitute an excellent framework for a series of lectures or discussion meetings: (1) Who are the United Nations? (2) Why did these nations unite? (3) What are they fighting for? (4) What are they doing to win? (5) Can they stay united in peace? Since the demand for this pamphlet far exceeded the supply, *Time*, *Newsweek*, and *Reader's Digest* would be doing a real public service if they could be prevailed upon to bring out a revised edition.

For a much more comprehensive collection of official statements from United Nations sources, *War and Peace Aims; Extracts from Statements of United Nations Leaders* (United Nations Information Office, 1943, pp. 136, 25¢) is indispensable. A source-book rather than a pamphlet, the compilation was designed to furnish a cross section of official opinion in respect to war and peace aims. The extracts, most of which have been published in the American press, are arranged by countries, and are conveniently grouped under such headings as the significance of the present war, territorial problems, international organization, and the prevention of future aggression. No attempt is made to analyze the statements, many of which are general to the point of vagueness. Nevertheless, speakers, teachers, and writers who may want to find out, for example, what Chinese leaders have said about the Atlantic Charter will do well to keep this document at their elbow.

III. INTER-AMERICAN AFFAIRS

One of the best jobs of any government agency in the pamphlet field has been done by the Office of the Coördinator of Inter-American Affairs. In the first place, CIAA pamphlets show evidence of considerable planning, both as to form and content and as to possible use. In the second place, they have a single message to get across—the story of inter-American coöperation—and that idea is hammered home in a variety of ways.

The Americas Coöperate for Victory (CIAA, 1942, rev. ed. 1943, pp. 16) should be of interest to scholars and laymen alike. It is the best short summary available of the rôle of the 21 American republics in the war. Stressing the fact that our neighbors to the south would have been a real millstone around our necks if they had taken the side of the Axis, the author points out that the Good Neighbor policy, enunciated by the

President the same year Hitler came to power, has served as a remarkable antidote to the poison of fascist propaganda in the New World. One has only to compare the solidarity which dominates the Americas today with the position of the 20 republics during World War I to realize that the Good Neighbor policy has paid rich dividends.

After summarizing the development of inter-American coöperation since 1933, the writer sets forth the results of the Rio de Janeiro Conference (1942), and then shows how the Americas have coöperated on the military, economic, and psychological fronts to defeat the Axis. Such solidarity, he insists, can be lasting only if there is a real understanding of mutual problems in the new world. In conclusion, the reader is reminded of the part he can play in building hemisphere unity.

The fascinating story of inter-American coöperation on the economic front is told in *Americas United* (CIAA, 1943, pp. 46). When war came, there were two big jobs to be done: (1) to cushion the impact of the war—with its threat of shrinking markets, depreciated currency, and surplus goods—upon the economy of the Americas; and (2) to mobilize the resources of the hemisphere for victory. This, then, is the story of raw materials and transportation, of Export-Import Bank loans and of preclusive buying. It is the story of Brazilian rubber and Bolivian tin, of the Black List, the coffee agreement, and of development programs in Haiti and other countries.

The author points out, *en route*, the short-run advantages of inter-American coöperation. Latin American currencies were bolstered, Axis-dominated firms were cracked down on, production was increased, and strategic materials—rubber, tin, mica, antimony, quinine, quartz crystal, chrome, copper, etc.—were produced for the Allied cause. But long range advantages are also important, especially the programs of such agencies as the Inter-American Development Commission, the Institute of Inter-American Affairs, and the Inter-American Institute of Agricultural Sciences. Indeed, in properly concerning itself with such basic human needs as health, food, sanitation, and transportation facilities, the Inter-American program as a whole promises to lay important foundations for permanent improvements in the living standards of the Latin American people.

A somewhat different approach to the problem is taken in *The New World Points the Way* (CIAA, 1943, pp. 32). Together with *The Americas Coöperate for Victory*, this pamphlet is designed to show how the inter-American program has developed in scope and machinery in proportion to the jobs there are to be done on an inter-American scale. In a very informal style, the writer compares inter-American coöperation to the way the various organizations in a community work together to meet common problems. With particular emphasis upon machinery, he explains (1) what

the program is, (2) how it came about, and (3) how it works with respect to such matters as military coöperation, war production, political affairs, supplying Latin America, living standards and social progress, and long-range planning. It is cogently argued that the machinery which is serving us so well in winning the war should form the basis for continued collaboration once the fighting is over.

On the assumption that good neighborliness is based on understanding, the CIAA is also producing a series of pamphlets on the individual Latin American countries. These are designed to make the American people more aware of the kind of neighbors we have—their historical background, the way they live, the kind of government they have, the things they produce. The first, *Brazil: Introduction to a Good Neighbor* (CIAA, 1943, pp. 32), sets a fairly high standard for the series. It is written in a sprightly tone, is not cluttered up with unnecessary details, and is profusely illustrated with pictographs, charts, maps, and pictures. While three-fourths of the pages are devoted to a survey of the history, geography, population, economy, and government of Brazil, considerable emphasis is placed also on Brazil's rôle in the war—her strategic position and her vast wealth of vital raw materials.

It may not be possible to produce 19 additional pamphlets on the same high plane as the one on Brazil. On the other hand, the ones which have appeared thus far—*Uruguay: Vigorous Democracy* (1943, pp. 13), *Chile: Land of Contrasts* (1943, pp. 25), *Guatemala: Volcanic but Peaceful* (1943, pp. 8), *Mexico: Next Door Neighbor* (1943, pp. 25), and *Argentina: Profile of a Nation* (1943, pp. 25)—follow the Brazilian pattern and are useful introductions for the beginner in the Latin American field. At the very least, they will help to drive home certain fundamental ideas—the high development of democracy in Uruguay, the “middle-western” character of Argentina's economy, the wealth of undeveloped resources in Latin America, etc. The series is scheduled for completion early in 1944.

Space limitations preclude more than passing reference to other CIAA pamphlets. *Latin America: Its People—Resources—Problems and Share in the War* (1942, pp. 24) is a very elementary statement of 26 questions which are often asked about Inter-American affairs, together with brief answers. More valuable for students is *Inter-American Coöperation; An Outline* (1943, pp. 22), which indicates in outline form the more important steps in the development of Inter-American coöperation, and of those national and international agencies concerned with Inter-American affairs. Also summarized in provocative fashion are the major problems—military, economic, propaganda, and health and sanitation—which confront the Americas. Finally, groups and individuals interested in such activities as study groups, lecture programs, art exhibits, radio programs, etc., will find a host of ideas in *Some Specific Suggestions for Inter-American Programs* (1943, pp. 17).

Some proponents of international coöperation charge that the Inter-American movement is doing a disservice to the cause of world organization by fostering a narrow spirit of hemispheric isolationism in the New World. CIAA pamphlets, however, are careful to point out that Pan Americanism is an expression of *regional internationalism*, and not an ideal of hemisphere isolationism.⁴ "Just as inter-American solidarity is an integral part of the whole United Nations war effort," we read in *The Americas Coöperate for Victory*, "the regional framework of coöperation can be a part of the world-wide system of coöperation after the war." Viewed in these terms, the inter-American program should facilitate rather than hinder the active participation of the 21 American republics in the world order.

IV. LEND-LEASE

One phase of the war which has been fairly well publicized, but apparently not very well understood, is the Administration's lend-lease program. The story is exceptionally well told, without wasting any words, in *All For One: One For All—The Story of Lend-Lease*. (Office of Lend-Lease Administration, 1943, pp. 15). The writers, in summarizing lend-lease developments since March, 1941, point out that it is a "giant interchange of war goods and war services—from us to our allies, from our allies to us."

The pamphlet drives home at least two important lessons which, in view of the carping criticisms of the anglophobes and the anti-Russians, should be repeated over and over again. In the first place, the passage of the Lend-Lease Act in 1941 meant that the offensive power of the United Nations could be sent where and when it is needed without regard to dollars and cents. After all, when total war was raging and our friends, who were bearing the brunt of the fighting, ran short of cash, the least we could do was to supply the food and the equipment and discuss the terms of settlement later on. In the second place, the lie is given to the accusation that Lend-Lease is a one-way street with all blessings flowing to Russia and Britain. British planes and shipping, Australian beef, New Zealand army boots, English barracks and airfields, and all kinds of equipment ranging from concrete mixers and pile-drivers to dinghies and parachutes—these are only a few examples of the many things which come to us through lend-lease in reverse.

With its additional facts and figures about the operation of lend-lease on the various war fronts and in respect to particular commodities, *All For One: One For All* is recommended for students and for adults who want to review in half an hour the elements of our lend-lease policy. For others who wish to follow developments at closer range, the President's regular reports to Congress are indispensable.⁵ *The Eighth Quarterly Report to*

⁴ See, for example, *Americas United*, p. 2.

Congress on Lend-Lease Operations (1943, pp. 56), for example, with its excellent charts, maps, and graphs, is a sample of government reporting which other agencies would do well to emulate. Crammed full of facts, the report outlines the nature of lend-lease operations in the Middle East, Russia, Great Britain, North Africa, New Zealand, India, and other war areas. Of particular interest is the fact that these operations are woven into the political and military fabric of the past two years. The documents appended to each of the reports should also prove of real value to political scientists.⁸

V. THE NATURE OF THE ENEMY

It is an almost unbelievable phenomenon of this war that even after Pearl Harbor a goodly number of Americans were angry at the Japanese, but were still blissfully unaware of the completely diabolical nature of German National Socialism. It was quite appropriate, therefore, to direct several pamphlets towards this weak spot in our thinking. In *Divide and Conquer* (Office of Facts and Figures, 1942, pp. 16), a popular attempt was made to expose the Nazi use of psychological warfare, the strategy of terror. In the war of nerves Hitler has been waging—as he had told us in *Mein Kampf*—his main weapons have been mental confusion, indecisiveness, and panic. The numerous ingenious devices the Germans used to produce pre-invasion jitters in Europe—poisoning the minds of the French against the British, developing fifth column techniques in Poland, sowing gloom and dissension in Belgium, etc.—are now fairly well known. But they still make interesting reading as approaches in mob psychology. And they should put Americans forever on their guard against Nazi-inspired stories about our incompetent leadership, the imperialistic aims of Britain, the “red” menace, and similar rumors designed to destroy our national unity and paralyze our will to fight.

⁸ On January 25, 1943, Lend-Lease Administrator Stettinius also submitted to Congress a summary report of lend-lease operations, covering the period from March 11, 1941, to December 31, 1942. This was printed as *House Doc. No. 57, 78th Cong., 1st Sess.* (pp. 91). Of considerable interest, also, in this connection is *War Production in 1942* (1942, pp. 19), issued by the Division of Information of the War Production Board. The writer has been informed that a similar report on the progress of production during 1943—with an analysis of the major problems involved—will be available from the WPB early in 1944.

⁹ The twelfth report, submitted to the Congress on November 11, 1943, deals in detail with reverse lend-lease aid from the British Commonwealth. Apparently designed to answer, as House Leader John McCormack put it, some of the “lying, sniping rumors and attacks on lend-lease,” the report pointed out that “by the help which our friends and allies have given us, and by the help which we have given them in the common cause, we have not only made progress in the war, but we have saved the lives of many of our own boys as well as those of our allies.”

Nowhere is the true nature of the Nazis better revealed than in the *Tale of a City* (OWI, 1942, pp. 22), the tragic story of the German "new order" in Warsaw. Generalizations are much more likely to be convincing if they are accompanied by specific examples, and there are plenty of them in this pamphlet. What happened when Warsaw fell and the "master race" took over, of course, happened, with variations, in hundreds of other German-occupied cities and towns. Homes were looted, books burned, laboratories dismantled, parks closed, the press suspended, religious groups persecuted, high schools and universities closed, starvation rations imposed, Ghettos established, and racial discrimination practiced in its most vicious form. The vast majority of Poles were forced to live without adequate heat, light, or food, and the death-rate in Warsaw, grimly aided by typhus, tuberculosis, and other diseases, rapidly became that of a dying city. One wonders how any régime—even the Nazis—could so coldly and ruthlessly disregard human values.

Still a third publication, *National Socialism; Basic Principles* (Department of State, 1943, pp. vi, 510, \$1.00), should be mentioned, although it can hardly be classified as a pamphlet. This treatise, prepared by officials of the State Department from studies of German literature and philosophy and from official Nazi records, clearly demonstrates that National Socialism is no passing fancy in Germany. Quoting lengthy extracts from Herder, Fichte, Hegel, Spengler, Rosenberg, Goebbels, *et al.*, the writers analyze the basic concepts of the National Socialist movement—the Volk, racial supremacy, the Führer principle, the élite class, the totalitarian state, imperialism, war as an instrument of policy, and propaganda—and trace their roots back to German thinkers of the eighteenth and nineteenth centuries. Section II deals with the Nazi policy regarding citizenship. Of particular interest is Section III, which sheds considerable light upon the nature of the organizations used by the Nazis to regulate the life and activities of Germans living abroad. Even though we should have had more of this material five years ago, students of government will still find it very valuable. There are 148 pages of text; the rest is made up of illustrative documents.

VI. WAR AIMS AND OBJECTIVES

From Pearl Harbor on, most Americans have assumed that we are fighting for more than mere victory. Somehow, we have felt, out of the ruins of World War II a brighter, freer, more prosperous world will emerge. It is not surprising, therefore, that a number of pamphlets have dealt with the war aims of the United Nations. In the first of these, *The United States Fight for the Four Freedoms* (OWI, 1942, pp. 16), the writers, utilizing President Roosevelt's speech of January 6, 1941, as their point of departure, attempt to define the four freedoms and what

they mean to the individual. The United Nations, they point out, have subscribed to the ideal of freedom as their collective *credo*. In sharp contrast stand the Axis governments and their utter contempt for individual liberties.

They demonstrate, too, that the four freedoms are interdependent, each one supporting the whole, which is liberty. Freedom of religion and speech are cultural in nature, while freedom from want and fear pertain to the facts of our lives rather than the thoughts of our minds. After discussing each of the freedoms in terms of our ideals, history, tradition, and constitutional practice, they insist that under a popular government only the people themselves can bring about those conditions which will favor the perpetuation of the four freedoms—freedoms which we are now repurchasing the hard way on the battle-field. And certainly the people, if they understand clearly our war aims, will cheerfully make the sacrifices necessary to defeat the Axis (our immediate goal) and revitalize the concept of democracy (our long-run objective).

Just how this double objective can be obtained is open to discussion. Four of the most forthright statements made by American leaders in 1942 appear in *Toward New Horizons; The World Beyond the War* (OWI, 1942, pp. 16): Vice President Wallace's century-of-the-common-man address, former Under-Secretary Welles' Memorial Day speech, and addresses by Ambassador Winant and Milo Perkins, then executive director of the Board of Economic Warfare. These trail-blazing speeches emphasized the point that the world of tomorrow can produce an abundant life for the common man if we will only organize production and distribution so as to take full advantage of the opportunities science has placed before us.

The enthusiasm with which *Toward New Horizons* was received indicated a widespread public interest in postwar problems. A similar reception was given *Proposals for a Free World; Toward New Horizons: No. 2* (OWI, 1943, pp. 19), the second in OWI's series of statements dealing with the postwar world. This collection contains addresses by Queen Wilhelmina, Generalissimo Chiang Kai-shek, Foreign Minister Soong, and Prime Minister Smuts, as well as speeches delivered by our own leaders. Taken as a whole, the statements reflect fairly well the evolution of "official" thought in respect to the organizational requirements of the postwar world.

In order to present differing points of view—and incidentally, perhaps, to avoid charges of political partisanship—*The Peace for Which We Fight; Toward New Horizons: No. 3* (OWI, 1943, pp. 30) contains statements on postwar problems by a number of individuals not connected with the government. There is Wendell Willkie's report on his globe-girdling trip, and speeches by former Senator Norris, Eric A. Johnston, Raymond Gram Swing, and Governor Stassen—all men who are pushing

the frontiers of American thought well into the postwar era—together with an excellent analysis of the Atlantic Charter and the four freedoms by Walter Nash, minister from New Zealand. With the end of the war approaching and the need for straight thinking imperative, it is a great pity the series has been discontinued.

In December, 1942, the OWI and the OCD launched the face-to-face part of the government's war information program. Among other materials, the program called for the preparation of a series of discussion outlines by the OWI. These leaflets, designed especially for teachers, discussion leaders, and speakers, were based on the firm conviction that a more thoroughgoing support of the war effort would result if people were encouraged to meet in groups in order to discuss the basic issues of the war. To be sure, the radio, press, motion picture, and graphics media serve an excellent purpose. It is clear, however, that an informed and intelligent understanding of the war cannot come so long as the people are looked upon as passive recipients of information handouts. It can come only from active citizen participation in reading and talking about the war. In a democracy especially, people need to exchange ideas and express themselves.

These leaflets deal with such subjects as rationing, transportation, manpower, taxation, child care, nutrition, and war aims. The authors lead off with background information and then raise the leading questions which citizens ought to be thinking about in respect to the topic under consideration. The assumption is, of course, that the outlines, in the hands of discussion leaders, will point up the discussion in an effective way. Of particular value to teachers is the list of pamphlets, motion pictures, and radio transcripts available on each topic.

Only two of the leaflets deal with postwar problems. In *Can We Attain Freedom from Want?* (Discussion Guide No. 8, OWI, 1943, pp. 6), the writers tackle the most elusive of the four freedoms and do a fairly good job of keeping out of the stratosphere. With an abundance of natural resources available, it is clear that we can attain real freedom from want only when we have the foresight and the daring to organize the world community and the nation-state so that we can utilize to the fullest the great advances made in the realm of the natural sciences. Insisting on this point, the writers raise such questions as: (1) What is freedom from want?, (2) Can we attain it?, (3) Is it worth the price?, (4) What steps can we take toward it?, and (5) What are the difficulties in the way? Particular emphasis is placed on the recommendations of the Social Security Board and the National Resources Planning Board. While this little leaflet obviously does not have all the answers, it helps clarify one's thinking on a very important topic. It is unfortunate that companion outlines on the other freedoms failed to appear.

If one prefers a more general approach, he should turn to *What is the Peace for which We Fight?* (Discussion Guide No. 9, OWI, 1943, pp. 6). This outline was written especially for use in connection with *Toward New Horizons* (Nos. 2 and 3) referred to above. Rather than take a position themselves, the authors have extracted choice morsels from the speeches of such leaders as Jan Smuts, Wendell Willkie, Eric Johnston, T. V. Soong, and Henry Wallace, and have arranged them, with questions for discussion, under appropriate headings. Why discuss the peace now? How far ahead can we plan? Toward what objectives should we plan? What are the alternative courses before us? What can be done now? There is plenty of meat here for a class or study group to chew on. And fortunately the questions are worded so as to encourage the individual to think for himself and to formulate his own program of action.⁷

* * *

The more critical, of course, will have no trouble finding flaws in the government's pamphlet program. Some are rather sketchy; it is no easy task to cram the story of Guatemala into eight pages. Moreover, as one should expect in time of war, all stress unity and coöperation, and gloss over the very real differences among the United Nations (and the neutrals) which will have to be ironed out sooner or later. The thorny question of Argentine beef, for example, is gingerly side-stepped, as are British-Indian relations, and Russian policy *vis-à-vis* the Baltic states. Finally, the pamphlets suffer from a lack of over-all inter-agency planning. As a result, they have appeared spasmodically and have failed to deal adequately with such important topics as the rôle of geography in global war, the story of economic warfare, etc. On the other hand, they are well written, for the most part, and are exceptionally well illustrated. They are proving very helpful for class-room and lecture purposes, and have been widely used by groups and organizations throughout the country.

The action of Congress in June, 1943, therefore, in drastically cutting the war information work and eliminating the pamphlet program of the OWI was tragically penny-wise and pound foolish. If an intelligent policy in world affairs can spring only from an informed public—as most believers in democracy will vigorously argue—there is still much spade work to be done. Two examples in respect to basic policy will suffice to illustrate the point. (1) According to a Gallup poll released on November 11, 1943, 23 per cent of the people believe that England does not furnish us with any war materials under the lend-lease program; 47 per cent said they did

⁷ For the study of postwar problems in general, the pamphlet series of the National Resources Planning Board is highly recommended. Since it deals, for the most part, with such domestic problems as transportation, security, city planning, the consumer, unemployment, etc., it falls outside the scope of this article.

not know. (2) According to a scientific survey made in 1941, only one per cent of the people interviewed could correctly name 15 of the 20 Latin American republics. Only 6 per cent could name as many as 10.

These facts raise serious questions for the future. How, for example, can we expect a wise and just settlement of the lend-lease program if 70 per cent of our people have no real conception of how that program actually operates? And how can we expect to be good neighbors with the family next door if we have difficulty recognizing them on the street? Similarly, on a much broader front, the permanent results of the Moscow conference will depend, in large measure, on the attitude of the man in the street. For unless the compass of public opinion is ready when the time arrives to implement the agreements reached at Moscow, unless the people are fully informed on the basic issues involved, we may stray once more from the path of collective security and miss the opportunity for world order which lies ahead.

THE FAILURE OF THE FARMER-LABOR PARTY TO CAPTURE CONTROL OF THE MINNESOTA LEGISLATURE

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Whatever the Farmer-Labor party in Minnesota may or may not have achieved during the period of its ascendancy from 1931 to 1939, it is obvious that its effectiveness was drastically impaired by its failure to control the state legislature. With the exception of 1933 and 1937, when the so-called Liberal caucus elected the speaker of the house of representatives and organized that body, the Farmer-Labor party did not have a majority in either house of the legislature. In other words, the party controlled neither the house nor the senate in the sessions of 1931 and 1935 and controlled only the house in 1933 and 1937.

Why was the party unable to control the legislature at a time when the state, by positive pluralities and majorities, was electing and re-electing Farmer-Laborites to state administrative offices? This question relates to a basic problem in representative democracy, for certainly here was a clear instance of the will of the "majority" submitting over a period of eight years to that of a "minority" among the state's voters. In 1943, the Farmer-Labor party, torn by inner strife and discredited in many quarters, had reached what appeared to be the bottom of a decline that began with an overwhelming defeat by the Republicans in the 1938 general election. The party's breakdown is related in significant measure to its unhappy legislative experience, and, although by no means the only

factor, this aspect of the party's history may be the key to the explanation of the party's subsequent defeat and decline.

There are several factors peculiar to the Minnesota political scene that might suggest the explanation of the party's failure to capture the legislature. First, Minnesota is a three-party state. While the Democratic party consistently has run behind the Republican and Farmer-Labor parties in state-wide elections, it has, nevertheless, had a significant following, and has managed to elect an occasional national representative and some known party members to the state legislature. This raises the question whether the Farmer-Laborites' claim that they represented a majority of the people was valid. If they did not, one need look no farther for the explanation. Second, the Minnesota legislature, despite a constitutional provision calling for periodic reapportionment on the basis of population, has made no apportionment since 1913.¹ Many Farmer-Laborites believed that the over-representation of rural sections discriminated significantly against the party because much of its strength was concentrated in the cities. Third, the entire state senate is chosen at one time for a four-year term.² Fourth, Minnesota is one of two states in the Union having a legislature chosen on a nonpartisan basis.³

Submitting each of these factors to analysis, one finds, first, with respect to the claims of the Farmer-Labor party to state dominance, that the evidence demonstrating the party's state-wide majority is conclusive. In 1930, the party captured only the governorship and lieutenant-governorship, but the former by a majority of 155,000 out of 820,000 votes cast.⁴ In the succeeding elections of 1932, 1934, and 1936, the party consistently elected and reelected the governor, lieutenant-governor, and attorney-general, and in each of the three elections captured the one contested position on the Railroad and Warehouse Commission. It even managed to unseat a veteran of many years in the state treasurer's office.

Moreover, the Farmer-Labor party won each of its offices—with one

¹ Minnesota Constitution, Art. IV, Secs. 2 and 24.

² The language of Art. IV, Sec. 24, covering terms of senators is not clear. The wording suggests that the drafters contemplated staggered terms, but two opinions by the attorney-general have held the section to mean election of all senators at one time. The opinion of February 27, 1883, is printed in *Opinions of the Attorneys-General of Minnesota, 1853-1884* (St. Paul, 1884), p. 527. The second opinion, that of August 11, 1892, appeared in full as a footnote to the section in each *Minnesota Legislative Manual* from 1893 to 1907. See also William Anderson, *A History of the Constitution of Minnesota* (Minneapolis, 1921), p. 166.

³ Adoption of the nonpartisan device in 1913 was somewhat of a political accident. See Malcolm Moos, *Nonpartisan Legislative and Judicial Elections in Minnesota* (M.A. Thesis, University of Minnesota, 1938). A portion of this thesis concerning judicial elections was published in this *Review*, Vol. 35, pp. 69-75 (Feb., 1941).

⁴ The 1930 vote for governor was: Farmer-Labor, 473,154; Republican, 289,528; Democrat—29,109—giving the Farmer-Labor candidate a plurality of 183,626.

exception—in three-way contests with the Republican and Democratic parties, which meant that there was a deflection to the Democratic party of a greater number of Farmer-Labor than Republican votes. This was clearly indicated in the gubernatorial election in 1936, when the Democratic party entered no candidate in the general election and the Farmer-Labor candidate was elected with a 248,000 majority.⁵ Also, a kinship in purpose as between the Farmer-Labor and Democratic parties was evidenced by unconcealed deal-making between the national Democratic committee and the state Farmer-Laborites. Still another point is the large majorities given the national Democratic ticket in 1932 and 1936.⁶ It is not always safe to assume an identification of interest between national and state majorities, but there is no denying that at its base the Farmer-Labor party had a philosophy and program much like that of the New Deal; thus, if the Roosevelt administration could poll a 2-1 majority in 1936, after its reform philosophy had become apparent to all, then certainly it is safe to assume that at least a majority of the state supported its own Farmer-Labor party.

Not only is it evident that the party's failure to capture legislative control is not to be explained in terms of insufficient state-wide strength; it is also clear that the failure was not due to the outworn apportionment. Minnesota's upper house has 67 members; the lower, 131. The members are elected by 67 districts, each having one senator and one or two representatives (as determined by the apportionment act of 1913). An analysis of results in each of the four general elections concerned showed that Farmer-Labor candidates for state offices consistently had majorities in 33 of the 67 senatorial districts, that the Republican candidates regularly carried 22 districts, and that the other 12 districts were either Democratic or uncertain.⁷ Had the Farmer-Labor party captured the senatorial posts in all the districts in which its candidates for state offices had majorities plus only one of the uncertain districts, it would have had a bare majority of the upper house. Similarly, of the 131 representative districts, Farmer-Labor candidates for state offices had majorities in 66, while Republicans could claim 42, and the other 23 were uncertain—which should have en-

⁵ The 1936 vote for governor was: Farmer-Labor 680,342, and Republican, 431,841.

⁶ In 1932, the Minnesota vote for Roosevelt-Garner was 600,806; Hoover-Curtis, 363,959. In 1936, it was Roosevelt-Garner, 698,811; Landon-Knox, 350,461.

⁷ In the determination of political complexions, election results for state offices in 1930, 1932, 1934, and 1936 were examined. A district found to be consistently in the Farmer-Labor column was declared Farmer-Labor. Those found to be Democratic or Farmer-Labor, but slightly doubtful, were declared uncertain. On the other hand, slightly doubtful Republican areas were declared Republican, along with the certain Republican districts, in an effort to resolve any doubts in favor of the party which actually did elect the legislative majorities.

sured control of the lower house. By virtue of this distribution of strength, the Farmer-Labor party should have been able, had it had an adequate mechanism for the translation of such district majorities into support for its legislative candidates, to elect majorities in both houses, irrespective of existing inequalities in apportionment.

This is not to deny that the present apportionment is extremely inequitable. Population shifts have resulted in under-representation of urban areas as against over-representation of rural areas. The findings here show only that failure to reapportion is not an explanation of the Farmer-Labor party's inability to control the legislature.

A more equitable reapportionment might have resulted in increased Farmer-Labor urban representation, owing to the concentration of labor support in the under-represented urban counties of Hennepin, Ramsey, and St. Louis. However, the prevailing inequality also adversely affected the Republican strength, and even the most equitable apportionment possible on the basis of population would not have altered significantly the respective strength of the two parties. This conclusion is suggested by the following analysis: If we regard as under-represented a senatorial district which has more than 1/67 of the state's population, we find that in the 33 districts which were carried by Farmer-Labor candidates for state offices, 13 were under-represented, and that in the 22 Republican-held districts, eight were under-represented, indicating that under-representation affected both forces about equally. Similarly, with respect to the lower house, regarding as under-represented a district having more than 1/131 of the state population, we find that the Farmer-Laborites were under-represented in 24 of the 66 areas which they controlled on a state-wide basis, and that the Republicans were under-represented in 20 of their 42 areas, showing, if anything, that the Republicans were at a disadvantage in this respect.⁸

If, then, while Farmer-Labor candidates for state offices were carrying a majority of the senatorial and house districts, conservative legislative candidates were capturing seats in a majority of districts, including many held by Farmer-Laborites, were the voters deliberately inconsistent? An affirmative answer is not reasonable, because it would imply that the party's candidates for state office were elected despite their Farmer-Labor label and not because of it. The facts would suggest the reverse. The party swept all state offices in one election, excepting that of secretary of state,⁹

⁸ In determining under- and over-representation, a hypothetically equitable district was established by dividing the total population of the state by the number of legislative seats. This quotient was then compared with the actual district population.

⁹ The Republican secretary of state has held office so long that the office has developed into something of a nonpartisan one.

and in two elections all but those of secretary of state, treasurer, and auditor.¹⁰ Comparatively little-known party candidates in some cases were chosen over, or gave close battle to, even the most prominently entrenched Republican officials. It is clear that the state's voters intended to establish a Farmer-Labor government, but were frustrated in achieving a Farmer-Labor legislature.

Whatever the basic cause of the Farmer-Labor party's inability to translate its district majorities into victories in a majority of the legislative contests, the fact remains that it was able to capture the lower house in 1932 and 1936, but never the senate. The explanation for this division as between the two houses traces directly to the practice of electing the entire senate to four-year terms at one time.

In the election of 1930, the Farmer-Laborites had not yet come into their full strength. The depression years were just beginning. And so it is understandable that the party did not capture the legislature at that time. But by 1932 its conquest should have been complete. It did win over the lower house, to which all members are elected biennially, but, owing to the non-staggered four-year basis of election, the upper house that convened in 1933 was the body that had been elected in 1930. There had been no opportunity, so far as the senate was concerned, for the expression of whatever changes in political sentiment may have occurred. In the election of 1934, the Farmer-Labor party appeared to have suffered a temporary setback, although, despite diminished polling strength, it did capture all but two state offices. At any rate, by 1936 the party had regained its strength, and it was accorded the largest majority in its history. It won a clear majority in the lower house, but once more it was an upper house elected two years previously that was to represent it.

It is interesting to note that had the senatorial elections been in 1932 and 1936, the years in which the Farmer-Laborites showed their greatest strength, the legislative history of the period might have been different. In any event, the prevailing interpretation of the constitutional provision covering senatorial elections has had an important effect upon the history of the Farmer-Labor party.

The non-staggered senatorial election term was, then, a primary factor in the failure of the Farmer-Labor party to capture the legislature, but of even greater importance was the nonpartisan method of electing legislators. Minnesota election laws provide that candidates seeking election to the senate or house shall file without party designation, and that no party identification of any kind may appear on the ballot.¹¹ In all senatorial districts and in those representative districts electing one delegate, the two highest candidates in the primary are nominated. In districts electing two

¹⁰ The auditor is elected for a four-year term.

¹¹ *Minnesota General Laws for 1913*, Chap. 389, Sec. 2.

representatives, the four highest in the primary are nominated, and in both the primary and general elections each voter marks his ballot for two choices. Throughout the process, a voter is unaware of the unofficial party affiliations or identifications of the candidate, except as the voter may have informed himself by reading campaign literature or by such other means as are available. The Farmer-Labor party conducted endorsing conventions as one means of informing the voters as to which candidates were pledged to the party's program, but, with legislative elections occurring at the same time as the state, county, and presidential elections, the task of informing the voters on legislative candidates is extremely difficult and usually is slighted by party workers, who quite naturally are preoccupied with the bigger effort of campaigning for candidates for state offices. The result is that legislative candidates benefit little by party endorsements, being victims of both a long ballot and the no-party designation feature.

In the absence of party designation or effective party endorsement, the way is open for legislative candidates to be elected on a truly independent basis. For a candidate to pledge himself openly to a party program is not only unwise, but altogether unnecessary. Most voters are normally far too taken up with what appear to be the bigger election issues to pay close attention to legislative contests. Where, under a party designation method of election, the voter who is uninformed about the various candidates will vote for those bearing the designation of the party he favors, under the nonpartisan method he will vote for candidates who have in some fashion or other been kept in the forefront. Thus, legislative contests frequently are reduced to nothing more than popularity contests.¹² Representatives and senators, bearing no party labels and—more frequently than not—having made no open pledges on major issues, go to the legislature uninstructed, and, in a very real sense, truly independent.

The fact that legislators are elected on a nonpartisan basis does not, however, mean they will conduct themselves as nonpartisans in the legislative session. Immediately upon the convening of the session, they will affiliate with either the administration caucus or the opposition caucus. And the caucuses have been appropriately labeled Liberal and Conservative, the former normally representing the Farmer-Labor forces, the latter, the Republicans. The division in each house is, therefore, definitely partisan, despite the fact that caucus names are not the same as those of the reigning parties. Of the 67 senators and 131 representatives, a certain number will have made prior commitment as to which caucus they will join, but for a very significant number their affiliation will be made on the

¹² As early as 1917, this defect of the nonpartisan device was noted by William Anderson. See Robert Luce, *Legislative Procedure* (Boston and New York, 1922), Chap. 22, p. 498.

basis of patronage grants or other inducements. In any event, the individual legislator will affiliate with one of two definitely partisan forces; and while he may bolt the caucus from time to time, he will have played his part in determining whether or not the administration is to work with majority or minority support in his chamber. The crucial point here is that the decision as to which caucus he will join is made entirely by the legislator himself; thus his constituents have been denied the opportunity to decide whether they shall be represented by a Liberal or Conservative representative. The voters choose an individual, not a program. This means, ultimately, that the voter has no effective control over the legislator, because, however much a legislator may fail to vote as the constituents desire, there is no effective method of disciplining him. To defeat him at the next election is the only recourse. And this solves nothing. The process simply begins all over again with the election of a new independent legislator. Moreover, the voter has no ample means of observing the actions of his representative, and, more often than not, does not even know how his delegates have affiliated.

Applied specifically to the Farmer-Labor experience, the nonpartisan method of electing legislators has meant that many strong Farmer-Labor districts were represented in the legislature by Conservative senators and representatives. And in some cases, as in the twenty-ninth district in Minneapolis, there has been maintained the anomalous situation of the same constituency choosing consistently, over three elections, one Liberal and one Conservative as delegates to the lower house.¹³ In Ramsey county (including St. Paul), this was most notable; here, four Farmer-Labor districts elected 13 Conservatives and 10 Liberals in the elections of 1932, 1934, and 1936. And even the extremely strong Farmer-Labor St. Louis county (including Duluth) elected 10 Conservatives out of 27.¹⁴

This inconsistency as between the political complexion of a district, as revealed by its voting for candidates for state offices, and the affiliation of its representatives affected in like manner the Republicans. The state's southeastern counties, firmly Republican on state-wide ballots, elected a significant number of legislators who affiliated with Liberal caucuses. But the nonpartisan device worked as a positive disadvantage to the Farmer-Laborites and a positive advantage to the Republicans. As already pointed out, the Farmer-Labor party held, on a basis of state office elections, control in a majority of house districts and almost certain control

¹³ The Liberal was secretary of the Minneapolis Central Labor Union (Roy Weir); the other seat was held once by Burt L. Kingsley and twice by George MacKinnon, both prominently identified Conservatives.

¹⁴ House caucus affiliations were determined on the basis of votes for speaker. This criterion has obvious limitations, but it is the best single index available. Senate affiliations are based upon an analysis of alignments in crucial contests.

in senate districts. It needed only an adequate mechanism to translate its dominance into legislative control.

A nonpartisan method of electing legislators, it would appear, must always handicap a reform party. A reform program, such as that sought by the Farmer-Labor party, requires positive and unwavering support. In Minnesota during the Farmer-Labor years, the Conservatives did not offer, and they had little need for, a positive program of their own. It was enough for them that they were *against* the Farmer-Labor program. During a reform era, in the absence of party discipline, the nonpartisanly-elected legislator, left to his own judgment, finds Conservative affiliation an easier matter because it requires no positive avowal on his part in support of a definite program, whereas affiliation with the Liberals requires a rigorous understanding of, or at least sympathy for, a program of reform.¹⁵

Repeatedly, Farmer-Labor indorsing conventions called for repeal of the nonpartisan method of election. The disadvantage it was working was clear. And yet, curiously, it was the Farmer-Labor party that defeated the party designation bill in the 1937 session of the legislature. The liberal speaker of the 1937 house justified the device, claiming that without it organization of the house by a Liberal caucus would not have been possible.¹⁶ Incidentally, this conviction seems to be shared by many present Republican leaders. Governor Harold E. Stassen, in his 1943 message to the legislature, said that he would look with favor upon its repeal.¹⁷

It is only reasonable to conclude that, had the will of the majority been served during the years of the Farmer-Labor party's ascendancy, the legislature would have been dominated by a Liberal caucus in at least the sessions of 1933, 1935, and 1937. To assume as an explanation of the party's failure to capture control a conscious split personality on the part of the state's electorate is to be unrealistic. To blame an outworn apportionment does not square with the facts. The explanation would seem to lie, in some measure, in the procedure of electing senators on a non-staggered basis, and, in great measure, in the nonpartisan election method.

¹⁵ The fusion of conservative forces against the Farmer-Labor party is described by J. R. Starr in "Labor and Farmer Groups and the Three-Party System," *Southwestern Social Science Quarterly*, Vol. 17, pp. 7-19 (June, 1936).

¹⁶ Moos, *op. cit.*, pp. 121-122.

¹⁷ *The Minneapolis Star-Journal*, Jan. 6, 1943.

PUBLIC ADMINISTRATION

INSTITUTIONALIZING ADMINISTRATIVE CONTROLS

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An institution is an action pattern, a social complex of interrelated habits. Members of an institution occupy habitual positions in relation to other members. The conduct of each individual moves in repetitious patterns governed by that individual's positional relationships in the institution and by the total action pattern of the institution. These positions are defined in the organizational structure of the institution; they evolve, grow, reach an established routine as the institution becomes a stabilized pattern of social action.

An institution may have a formally integrated structure and may be in continuous activity—like a given church; or it may be a contingent pattern of action invoked only on the occurrence of specific events—as marriage or portions of the law. Administration involves both types of institution, but the most frequently observed and commonly studied is the formal structural organization.

The administration as a whole (of the Federal Government, for example), or of any well defined unit of it (as a department or independent agency), may be looked upon as an institution. In general, the form is hierarchical, necessitated by the division of labor involved; the requirements of supervision and coördination, the necessity for authority and direction. As a going concern, the administrative unit has daily, monthly, yearly patterns of action. The effectiveness with which the unit achieves its objectives depends upon the appropriateness of its organization to the functions required of it, the perfection with which its various elements are integrated into a smooth-running going concern. Institutionalizing the administrative process is establishing these integrated patterns of action into an over-all routine, so that friction is reduced to a minimum and the maximum efficiency of parts and whole is achieved.

An administrative unit, is, therefore, a going concern, a living organism, a dynamic entity. The social quality which promotes effective functioning is morale—the feeling on the part of each member that he is making a significant contribution to a significant end, that his fellow-workers respect him and that he can respect them, that the leadership of the unit is in competent hands—a leadership which has a sense of direction, a feeling for the dignity and interests of the personnel, a grasp of the unit's relation to the government as a whole. Thus an administrative unit appropriately organized for the function it performs, possessed of a competent personnel trained in the integrated patterns of action essential to the performance of

the function, and high in morale, is institutionalized—is stabilized for the task.

The efficiency of a governmental administrative unit is a problem in social accounting—a complex of many factors. It is a mixture of objective and subjective criteria. The objective standards should be approached first.

When the units of energy input are identical and infinitely divisible, and when the units of output are likewise, it is possible to get an objective statement of efficiency. This is true of the material and energy factors in the production and distribution of electric power. Similar evaluations can be made for various types of engines. On a comparative basis, it is possible to approach measuring human energy inputs and the product thereof in the same way. In a given operation, a man-hour of energy input should produce a certain quantum of output. Obviously, the nearer the total operation approaches that of a machine, the more accurate such measurements become. Thus there are large numbers of operations for which standards of efficiency can be constructed. Where the product of a total unit is a physical quantum—steel ingots, automobiles, baby carriages, or what not—efficiencies of individual operations underlie the efficiency of the plant, although they alone do not make it.

In this objective sense, organization is a machine. Improved organization is as much technological advance as is improved machinery. The mass production industries have struggled constantly for better integration, more continuous flow of processes, reduction in number of operations, shortening the distances of material movements, and so on. Wherever operations become standardized, it is possible to arrive at standardized units of organization for the performance of such operations—units of organization that, other things being equal, are the most efficient possible for the performance of these particular operations. The larger the number of distinctly diverse operations to be integrated into a unified, total process, the more difficult, obviously, is the objective determination of over-all efficiency.

From this objective engineering level we may rise to the next—that of economics. Here, to a fair degree, objective judgment may prevail (within the price system), but the element of the subjective becomes more pronounced. It may be scientifically possible to construct an internal combustion engine of a certain maximum degree of efficiency, but the cost may be out of proportion to the results in terms of money income produced. It might cost two to three times as much to have an engine fifty per cent efficient in fuel consumption as to have it thirty-five per cent. This is the eternal problem of the business man: What quality of materials should go into his product? What combination of raw material costs will net the largest profit? What quality of machinery is most economical (not

necessarily most productive in physical terms) for him? In so far as units of materials are standardized in both quality and price, and machines likewise, the entrepreneur can reach fairly objective judgments (assuming market stability).

So also he can reach rough approximations of labor costs in terms of ultimate profits. That is, assuming that the entrepreneur is strictly rational in the matter (which he rarely is), he can estimate on a cost basis the quantities, kinds, and conditions of labor which will net him the largest return within the period in view. The organization of men, equipment, and materials into a productive process faces the same problem: Is the most productive (physically) organization also the most economic in terms of the given conditions? The perfection of organization may have to stop short of its goal because of deficiencies in materials, personnel, or capital—short even of the ideally most economic organization. The business man must make these judgments in terms of his own interest. He is all too frequently handicapped on the side of organization by not having standardized forms suitable to his operations, or the personnel to apply such forms.

The efficiency of the business organization has certain over-all checks (as well as those of analysis of specific operations). Profit is the central criterion, but profit is only a function of sales income in relation to costs. If profits fall, the business man has certain definite checks: volume of sales (considering prices); inspection of advertising and sales operations; return of defective articles and other complaints about his product; costs of raw materials; costs of various operations in the productive process. He may, of course, discover that the difficulty lies with factors external to his management of his business. Nevertheless, the price system offers him certain fairly objective checks on the efficiency of his operations in terms of profit economy.

The third level does not leave entirely the area of objective judgment, but it emphasizes subjective and imponderable factors. Whether or not consumers are satisfied with commodities depends on a number of factors, chief of which is the availability of alternative choices of which the consumer is aware. Under such circumstances, the business man has an objective negative factor revealing consumer dissatisfaction—falling sales. In fields where fashion, styling, and branding play an important part, it may give the business man no end of headaches trying to find wherein he is failing to please. When the business man himself leaves the rational foundations of strictly economic competition and indulges in power politics, in attempts to monopolize a market, in efforts to wreck a competitor or a labor union, the criteria of efficiency are reduced to elements in his personal satisfaction. He may, on occasion, sacrifice millions to get control of some other company or put it out of business. Efficiency

may lie in legal manipulation or financial legerdemain rather than in productivity.

In monopoloid situations where prices and production are to some degree matters of administrative policy as contrasted with matters of market determination, other difficulties enter in. The complexities of accounting involved in joint costs in large-scale operations face the monopolizer with extremely difficult problems of determining efficiency. He must rely on consciously contrived administrative devices. This does not mean that prices cease to play an important part; monopoly price may be, economically, a highly rational device in terms of profit-making. But it may also be highly complex, as an examination of the relations between A. T. & T. and Western Electric has shown.

In short, the monopolist is frequently in the position where he is not obliged to keep his costs down; and when the relentless pressure of open competition is removed, costs tend to rise through the accumulation of inefficiencies, rigidities, lags in adaptation. Under such circumstances, the maintenance of a high degree of productive efficiency depends on devising supervisory mechanisms which constantly check unit and over-all productivities. Such supervisory devices may be standardized for stable operations and regularized through periodic reports, inspections, conferences. Administrative pressure for technological improvement (mechanical and organizational) can be, and has been, institutionalized in research divisions and staff agencies, so that a monopoly or monopoloid business is not necessarily a stagnant one. Organized initiative capitalizing on coordinated skills may be substituted for sporadic individual initiative.

In a unit of public administration, or the administration as a whole, this third level of efficiency is complicated by the fact that there frequently is not even the profit check available to the monopoly. The efficiency of educational, library, police, health, and many other administrative units cannot be measured in either engineering or economic (price) terms. Consideration must always be given to public satisfaction, to somewhat imponderable statistics (crime control), to intangibles such as educational achievements. The "service" character of public administration, combined with security of tenure in civil service and the large portion of the public actually present in public personnel, makes the evaluation of an administrative unit consider the effects of its functioning upon its personnel and the consequent relations of that personnel to the outside public. Social accounting in public administration is achievement accounting with due regard for engineering efficiency, cost economy, and the intangibles of human satisfactions and dissatisfactions.

To organize an administrative unit for efficient achievement in terms of social accounting involves a series of steps (in planning and thinking) proceeding from the objective to the more subjective levels. The over-all

organization is naturally governed by the character of the function which the unit is to perform. That function having been defined, an analysis of the machinery necessary to perform it can be made. Unless the function involves a large proportion of the novel, it will be possible to select large areas of operations in which there are standardized, efficient procedures. The organization of office units, filing units, accounting, budgeting, personnel, and a substantial number of other operations will involve primarily the adaptation of already proved procedures. Standards for evaluating the efficiency of these specific operations will be both engineering and economic, tempered by the established and discovered factors for maintaining morale which affects over-all efficiency.

The organization of specific operations on a basis of efficient unit productivity must be followed by the organization or the integration of all operations into a going concern efficiency. The problems in this area are manifold, and proved techniques to use on them are fewer. They involve ordering the flow of materials, information, ideas; the determination of the size of units appropriate to supervisory levels; the grouping of units for overhead supervision; the determination of appropriate horizontal relations between units; the allocation of power and authority to centers of decisions; and many other problems. The fact that this is an area of complex and difficult problems does not mean that the instrument of objective analysis cannot be used. Analyses of the flow of processes with a view to reducing waste motion; analyses of time spent in specific operations, (including supervisory), and the relation of time to quantity and importance of accomplishment; analyses of personal fatigue at bottle-neck positions; and other analyses of objective character can aid in the evaluation of efficiency and in improving procedures.

These internal analyses involve the study and evaluation of end operations (delivery of mail, apprehension of violators, prevention of violations, achievement of graduates, circulation of books, elimination of disease, and so on; in terms of work unit efficiencies); the examination and testing of the adequacy and economy of auxiliary services (budget, purchasing and supply, accounting and audit, personnel); the measuring of the effectiveness of staff operations (supervision, coordination, planning, research). These internal evaluations must then be placed in the light of over-all achievements and over-all costs. Substantively, what has the unit accomplished and with what public benefits? What have been the costs—in money, in personnel, in public dissatisfaction or resistance? A new organization will be built up with these considerations in mind; a going concern will be interested in devising means for making such evaluations.

It is obvious, of course, that the assumption of stable operations must be highly qualified. Conditions external to the administrative unit are constantly changing; new tasks are laid upon it, old ones taken away;

technological advance in equipment and organization is constantly taking place; the unit itself is constantly learning more about itself and its functions. Stability of function is therefore a matter of degree. The administrative institution is a dynamic organism which must give much conscious attention to the preservation of its youth—that is, to its capacity for adaptation.

There therefore appear two problems in the institutionalizing of controls relevant to the application of social accounting. One is the devising of techniques for the preservation of the efficiency of unit operations and their coördination into an efficient going concern; the other is the devising of techniques for constantly improving the efficiency of unit operations and of over-all social achievement.

Institutionalizing administrative controls means giving them an established structural position and a regular pattern of operation. Periodic reports on standardized forms presenting concrete factual information in established classified categories is one of the chief methods of control. Properly set up, the information in such reports is capable of summary tabulation, charting, and graphing, so that fluctuations and trends may be detected and measured and comparisons made through time and with identical operations elsewhere. Considerable progress has been made in this method of control in accounting, audit, purchase, inventory. Similar methods, though more difficult to devise and apply, have been developed in personnel management. Wherever the output consists of material units and the input represents a fairly homogeneous element of energy, these reports can be highly accurate. Where the output is in non-objective, ill-standardized, or intangible units—as in crime prevention, health promotion, education, the problem of devising a satisfactory system of reports is infinitely more difficult. The output unit itself must be standardized before the report form can be satisfactorily worked out.

Any specific problem in this field is one of analysis of function, standardization of work units, determination of pertinent elements of information and their classification, devising report forms, setting the frequency of their use, designating the reviewing agency or agencies and the general nature of summary materials to be periodically prepared, setting up the filing and record-keeping system, and determining the frequency and character of reporting of cumulative facts by the reviewing agency. In other words, a system of administrative reporting is a tool, a means, which should be constructed so as best to fulfill the functions set for it.

These methods of standardized reporting are naturally most effective at the engineering and economic efficiency levels. At the level of supervision and coördination, the problem is more difficult. While quantitative measurements (outputs of offices, divisions, bureaus) are not necessarily dispensed with, they are much less to be relied upon for over-all evalua-

tion. Judgment of the effectiveness of supervision must consider public reaction to operations of the unit, personnel reaction to management (morale), and the general smoothness with which the unit under examination operates. The total evaluation is the result of judgment of a complex of factors—many of them being clues or indicators rather than evidence. Turnover in personnel, number and character of employee complaints, use and abuse of equipment and supplies, tone of personal relations, indications of enthusiasm and inventiveness, and so on, go along with the more definitely quantitative factors.

The development of adequate controls for maintaining current output or achievement is not enough. In the world of business, the profit motive plus competition or the threat of competition exerts a constant and frequently intense pressure to improve the technology of the over-all productive process, to maximize efficiency, to reduce costs. In monopoly or public administration, administrative devices must be sought to fulfill this function. Such devices should be institutionalized—that is, made a continuing part of the functioning of the administrative unit, an integral element in its structure.

Two main methods are available, one a matter chiefly of established practice, the other of both organization and practice. The first consists of establishing in the personnel an awareness of functional and procedural problems, an enthusiasm for the work of the unit which encourages workers to invent more efficient procedures and to report observed deficiencies, and a regularized channel of communication with those who have the authority to inaugurate changes. This regularized channel of communication is important: it means maintaining an avenue of approach for any individual who has an idea and creating in the personnel the will to cooperate in this fashion; it means (and this is important for institutionalizing the process) regular times and forms of conference at or between appropriate levels at which the work of the unit or subdivisions of it will be analyzed with the object of improving operations.

This method is closely related to the problems of personnel management. The cooperation of individual employees may be encouraged through recognizing their contributions in service records, as is being done in the New York City system. The machinery established for handling personnel problems—pay, hours, conditions of work, individual and collective complaints—may be made part of the institutional structure and process designed constantly to improve efficiency. The conference procedure in which the TVA has pioneered along with its collective bargaining illustrates the extension of the method into this area.

One of the chief values in this method is also one of its limitations. In using personnel in line operations in this way, the administrative unit benefits by the experience, thought, and initiative of those directly con-

cerned with operations—persons whose experience is most concrete. The thinking of these people, however, may be too narrow because of specialization, too laggard because of absorption in routine, unawakened because of lack of stimulation. Maximum results are likely to come only with the application of the second method.

The second method assumes the development of the first. It consists of staff officers or a staff organization whose constant function is research and planning, critical analysis and constructive synthesis. Its research and planning function both in the area of substantive operations of the unit and in the area of its administrative processes. It takes the ultimate objectives of the administrative unit as its starting point and examines parts and whole as a means to the achievement of these objectives. It is constantly concerned with the functional perfection of each part within the whole and of the whole itself. This staff division functions as a consulting expert on the health of the administrative institution: it is to perpetually diagnose organization and process and to recommend to operating officials the appropriate techniques and operations for improvement.

How institutionalize this function? Since this staff division is itself a means to an end, the end must be analyzed to discover what means are most likely to achieve it. Selection of competent and suitably trained personnel, is, of course, fundamental. Putting that aside for the moment, what else? Institutionalizing means developing a regularized pattern of action, a continuous performance of function as distinguished from non-action or fitful and sporadic bursts of activity. What regular activities should such a staff agency undertake?

It is difficult to generalize on this problem when any particular staff agency should be integrally adapted to the administrative unit to which it is attached. Variations in function, in diversity of functions, in size, will alter substantially the elements of the problem. The staff agency should be familiar with the objectives of the administrative unit and the current developments in fulfilling those objectives, including, of course, new legislation. Since its major concern is with the functional improvement of the administrative unit, it not only should be thoroughly familiar with the component operations, but should have regularized procedures for keeping itself constantly aware of what is taking place. Thus the staff agency (I use "staff agency" instead of "members of the staff agency," because in a large organization there may be necessary a division of labor and specialization within the staff agency) should regularly examine certain of the control reports previously discussed—especially the summary materials indicating trends and developments. It should have a regular schedule of inspections of actual operations—not cursory observation, but an inspectional procedure designed to give a first-hand understanding of practical operations and the difficulties met by line personnel. This ex-

perience will be supplemented by regular attendance at conferences where line and staff people will discuss these problems.

Examination of reports, inspections, and conferences keep staff people informed of operations and problem developments. Along with these activities go other important staff operations. The staff agency should systematically keep up on the literature dealing with administrative organization, procedure, reporting, and control. "Systematically" means that the materials on problem areas should be periodically digested, the fruits summarized in a form readily available. There should also be scheduled a regular order of research—a calendar of problems (not rigid and unalterable, of course)—through which the staff agency will combine its library work, conference and inspectional experience, into an intensive study of specified processes with the objective of improving them. Whether the staff agency will make such study by itself, or in coöperation with the line people, or merely advise operating people, will depend on the particular problem. By and large, most such studies will be coöperative. They may concern office organization and procedures, various divisions of field work, reporting, supervising, various aspects of personnel management, and so on. One area needing periodic study is that of paper work—forms of all kinds; including those used for reporting—with an eye to simplification, reduction in quantity to the minimum necessary for satisfactory work, filing and location for maximum use. Paper work very easily gets out of hand.

To say that the staff agency ought to have a schedule of study or calendar of problems—a regularization of its work—does not necessarily mean that its inspection or study of line or supervisory operations must be on predetermined, regular calendar dates. It means simply that the work of the staff agency should be systematic, designed to promote the usefulness of that agency. It means that the personnel of the staff agency becomes experienced in its work, plans its activities, and has some means of evaluating its own output.

In addition to this major function of administrative research, planning, and advice, the staff agency may engage in the second major function of research and planning in the substantive operations of the administrative unit. No staff agency can or should avoid a certain amount of study in this area, but in some administrative units (the Department of Agriculture, for example) the size may be such, and the character of operations such, that a special agency will be set up for such research and planning in substantive problems. The administrative staff agency then becomes something of a liaison unit, a catalytic agent, which aids in integrating the substantive plans with effective administrative machinery and procedures.

Looked at in this way (as set forth in the last several paragraphs), the

staff agency is a device for institutionalizing progress. It is a functioning organizational instrument for the continuous study and improvement of the administrative process. It is a consciously devised mechanism serving as a substitute for the profit-motive pressure in private business (and this is not to say that private business cannot make good use of such agencies). It is formalized without being inflexible; it is regularized without being routinized; it is expert without itself exercising control. It is a functioning unit whose serviceability depends on its capacity to demonstrate the usefulness of its product—constructive advice. In a sense, it does for the administrative institution what "professionalization" does for the personnel: it implements consciously and concretely the responsibility of the administrative unit for maximizing its serviceability to the public interest. And more than in most administration, it is likely to be no better than the persons who man it.

Having sketched these general ideas on institutionalizing administrative controls, it is proper to point out that no effort has been made to cover the field. The problems involved are intricate, subtle, manifold. The relations of staff officers to administrative officers have not been directly discussed (Gaus and Macmahon have been doing pioneer work in the field). Also it should be said that the particular development of staff functions will to a fair degree be evolutionary—dependent on the key personalities involved in particular agencies. Where the staff agency must wrestle with the problem of integrating personnel and organization—devising organization which will maximize the expression of the abilities of the personnel in the operating and supervisory divisions—the staff agency itself is subject to the same conditions. In a large administrative unit, personnel is sought to fit positions and functions already established; but the staff function is of such a nature and at such a level that particular personalities may influence form and process more than vice versa. Neither staff functions or personnel are standardized; and it may work out that they cannot be except within rather broad limits.

It may be said, however, that there is hardly any more important function in modern government than the study of organizational forms and administrative processes to the end of adapting them to increasingly adequate service in the public interest. If there be added to the elements discussed in this paper the vital necessity of achieving effective planning and efficient administration under conditions of popular control and preservation of democratic processes, there is no problem which takes precedence over it. I am inclined to believe that the future of democracy lies quite as much in the hands of administrators and their staffs as in those of elected officials and practicing politicians. And the staff agency is a key unit in the effort to adapt administration to the service of democratic institutions.

FOREIGN GOVERNMENT AND POLITICS

AN AREAL STUDY OF THE GERMAN ELECTORATE, 1930-1933

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A great deal has been said as to whether Hitler is really representative of the German people. Books have been written to show that he is merely the latest in a long line of German romanticists, racialists, and Pan-Germans. In most of these studies, the German people are lumped together in one mass without much differentiation. In analyzing public attitudes, however, it is desirable to be as particular and specific as possible, and to break up opinion groups into all their component parts. Therefore, without desiring to minimize the emphasis already placed on the evil influences which have had such a strong and continuing effect upon the generality of Germans and the course of their history, it is proposed here to study German political opinions district by district during a critical period. It is the purpose of this investigation to ascertain whether German voters reacted uniformly as a mass when they were presented with a crucial decision. Did the reawakening of German nationalism and Pan-Germanism by Hitler evoke a uniformly strong response throughout the length and breadth of the country, or were the German people genuinely divided in their attitude toward Nazism—the latest version of rampant German nationalism?

It is usually admitted that the German people as a whole must bear the primary responsibility for Hitler. If they had been more mature, or even more alert, politically, he would not have been given the chance to work out his diabolical plans. Thus the Germans, by their votes, permitted him to acquire enough strength to make his selection possible. But careful students of a modern electorate should distinguish between various degrees of support. It is not sufficient to blame the German people as a whole. It is also desirable to discover, if possible, any individual, group, or regional variations from the national pattern. If such differences do not exist, then the Germans are indeed the unregenerate horde of butcher birds which some writers believe them to be. By a careful study of the returns for the elections which occurred in Germany in the period from 1930 to 1933 when Hitler became Chancellor, we are able to get a very clear picture of German opinion in a critical period of the country's history, and to learn whether Germans were a politically uniform herd or a badly divided electorate.

Since it is so important in reconstructing a new Germany to be aware of where one can expect support for a democratic system and where one

must anticipate the strongest opposition, a review of the critical period during which Hitler rose to power is of great importance. Such a review has often been made in general terms. Here it is proposed to demonstrate by election figures exactly what parts of Germany rallied to Hitler's cause, and conversely what parts of Germany showed comparatively little interest in the Hitler movement. Such an areal survey of objective data dealing with German electoral behavior discloses the nature of German political opinion and gives a foundation for several important conclusions.¹

If we take the four Reichstag elections held in September, 1930, July and November, 1932, and March, 1933, we are able to locate the areas in which Hitler made his most effective appeals.² Using an average percentage of the vote given to the Nazi party in these four elections in each of the thirty-five electoral districts into which Germany is divided, we find that the following ten districts are the areas in which Hitler's vote was strongest:

<i>Name of Electoral District</i>	<i>Average Per Cent 4 Reichstag Elections</i>
(1) Schleswig-Holstein	44.0
(2) Pomerania	42.9
(3) East Hannover	41.8
(4) East Prussia	41.5
(5) Frankfurt (Oder)	41.4
(6) Liegnitz	41.2
(7) Chemnitz-Zwickau	41.0
(8) South Hannover	39.9
(9) Breslau	39.6
(10) Pfalz	38.9

Conversely, the ten districts in which Hitler's appeal was least effective were the following:

<i>Name of Electoral District</i>	<i>Average Per Cent 4 Reichstag Elections</i>
(1) Köln-Aachen	20.6
(2) Lower Bavaria	22.5
(3) Berlin	22.8
(4) North Westphalia	23.7
(5) South Westphalia	24.9
(6) West Düsseldorf	25.8
(7) Württemberg	27.0
(8) Koblenz-Trier	27.1
(9) Upper Bavaria Schwaben	27.2
(10) Oppeln	27.2

¹ For an excellent statistical study of German Reichstag elections, 1871-1933, see this REVIEW, Vol. 37, pp. 601-625.

² The official election statistics have been used: *Statistik des Deutschen Reichs*, Band 382, II, *Die Wahl zum Reichstag am 14. September 1930*; and *Hauptergebnisse der Wahlen zum Reichstag am 31. Juli 1932*, 6. November 1932, and 5. März 1933.

The fifteen districts which fall in between these two groups are as follows:

<i>Name of Electoral District</i>	<i>Average Per Cent 4 Reichstag Elections</i>
(1) Hesse-Nassau	38.8
(2) Magdeburg	37.5
(3) Mecklenburg	37.5
(4) Hesse-Darmstadt	37.3
(5) Thuringia	37.1
(6) Merseburg	36.2
(7) Franken	35.6
(8) Potsdam I	33.9
(9) Baden	33.9
(10) Dresden-Bautzen	33.3
(11) Weser-Ems	33.0
(12) Leipzig	30.3
(13) Hamburg	29.8
(14) Potsdam II	29.3
(15) East Düsseldorf	28.3

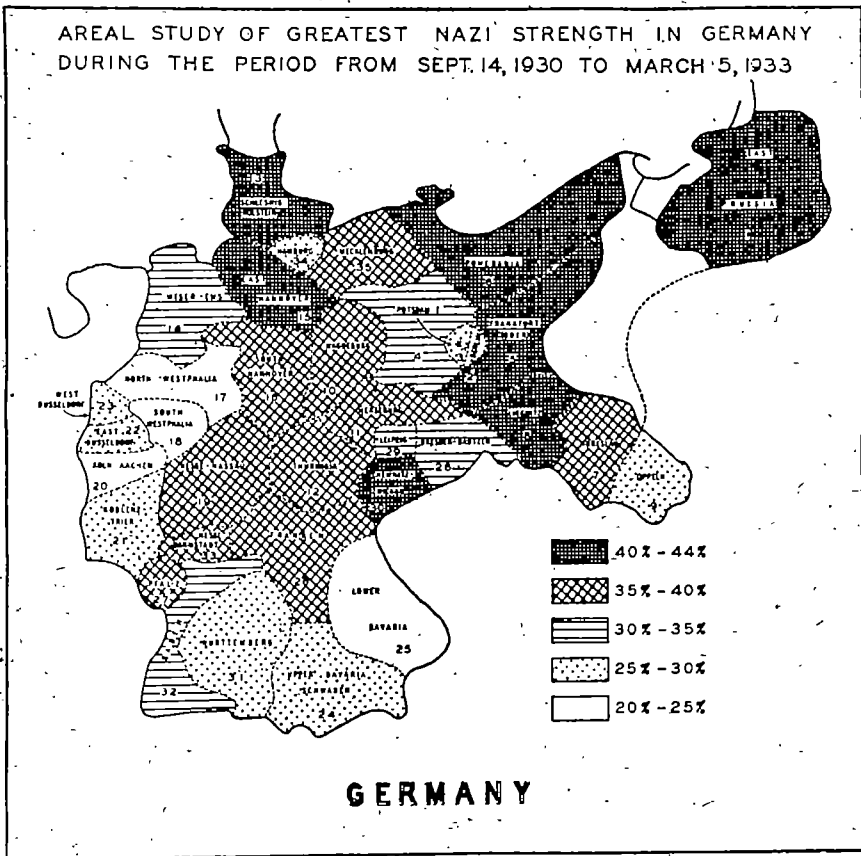
By plotting all thirty-five electoral districts on a map of Germany, we can see at once that, politically speaking, Germany is not to be divided into two entirely separate areas, one east and one west of the Elbe. The areal pattern is quite broken. Hitler found his strongest support in Schleswig-Holstein, in Pomerania, in East Hannover, in South Hannover, in Frankfurt an der Oder, in Liegnitz, in Chemnitz-Zwickau, and also in East Prussia, Breslau, and the Pfalz. He was weakest in Cologne, in Lower and Upper Bavaria, in Berlin, Westphalia, East and West Düsseldorf, Württemberg, Oppeln, and Koblenz. Midway between the areas of Hitler strength are the Berlin, Leipzig, and Dresden metropolitan areas, where the forces of Socialism and Communism together out-voted the Nazis. Similarly, the city-state of Hamburg stands out as a pillar of republican support surrounded by areas of National Socialist power.

The pattern of opposition to Hitler is very clear. The big cities and the industrial areas, with a few exceptions, did not respond to Hitler's siren song. Nor did his first love, Bavaria, support him. Areally speaking, this is limited opposition. But great city populations never show up on a map as important as they really are. Actually, Hitler usually led the poll in most cities, because his opposition was divided. But industrial populations as a whole were against him, and his voting percentages in these areas were comparatively low. Had he depended on urban votes, he could not have been the electoral success he really was.

The map poses some difficult questions. Why should the Pfalz have been so different in its political responses from the surrounding areas of the Rhineland and Baden? How does one explain why Oppeln should differ from the other Silesian electoral districts? But aside from these conspicuous exceptions, there is a rather clear geographical distribution of Hitler's

strength. He was strongest in the northern and central districts of Germany as well as in the eastern. He was uniformly weakest in the western and southern districts and in the large cities.

One of the most interesting facts to be discovered on the electoral map is the relatively strong appeal which Hitler made throughout the large cen-



tral area of Germany located roughly between the Rhine and the Elbe, and north of the river Main. In Hesse, Thuringia, Brunswick, and Hanover—in general, the old Franconian and Low Saxon areas—the Nazis attracted to themselves from thirty-five to forty per cent of the vote. This central area, when added to the northern and eastern area, gave Hitler the preëminent position in nearly two-thirds of the total area of Germany. Hitler's support was indubitably national and not merely local.

The map also shows how Germany, politically speaking, was really divided three ways on the Hitler question: very strong, strong, and weak. The great territorial spread of Hitler's power contrasts with the relatively small number of areas in which his showing was not impressive. From west to east, Hitler's support became progressively stronger. Some will contend

that this, after all, confirms the view that the only civilized Germans are those who live in western and southern Germany.

By reference to the vote for President in 1932, it is interesting to discover a very similar pattern.³ The areas in which Hitler ran best in the two presidential elections against Hindenburg, in the order of their strength for Hitler, are as follows:

<i>First Presidential Election</i>		<i>Second Presidential Election</i>	
(1) Schleswig-Holstein	42.7%	(1) Pomerania	52.6%
(2) Chemnitz-Zwickau	40.9	(2) Schleswig-Holstein	48.8
(3) East Hannover	38.7	(3) East Hannover	48.5
(4) South Hannover-Brunswick	38.0	(4) Chemnitz-Zwickau	47.2
(5) Liegnitz	37.9	(5) Frankfurt a.d. Oder	45.7
(6) Pomerania	37.4	(6) South Hannover-Brunswick	44.8
(7) Franken	36.6	(7) Liegnitz	44.4
(8) Breslau	35.8	(8) Mecklenburg	44.6
(9) Frankfurt a. d. Oder.	35.4	(9) Thuringia	44.3
(10) Pfalz	35.4	(10) East Prussia	43.8

Thus we can see that the areal distribution of Hitler's strength in these two presidential elections follows very closely the geographical distribution of political strength in the four Reichstag elections analyzed above. Hitler's support came from northern and central Germany quite as much as from eastern Germany. His greatest opposition, on the other hand, was found in southern and western Germany and in the big cities.⁴ In the second presidential election, April 10, 1932, he received a clear majority of the votes only in Pomerania, while Cologne gave him but 20 per cent of its votes.

In studying another aspect of German electoral behavior, we find little relationship between the size of the vote cast in these elections and the nature of the political result. The following ten electoral districts showed the highest average percentage of popular participation in the four Reichstag elections:

<i>Name of Electoral District</i>	<i>Average Per Cent Popular Participation</i>
(1) Leipzig	89.9
(2) South Hannover-Brunswick	88.9*
(3) Chemnitz-Zwickau	88.3*
(4) Magdeburg	86.6*
(5) Schleswig-Holstein	86.1*
(6) Liegnitz	86.0*
(7) Breslau	85.9*
(8) Dresden-Bautzen	85.8
(9) Merseburg	85.7*
(10) North Westphalia	85.6

* Hitler districts.

³ *Statistik des Deutschen Reichs, Band 487, Die Wahl des Reichspräsidenten am 13. März und 10. April 1932.*

⁴ See map in *Zeitschrift für Geopolitik*, Vol. 9¹, p. 231 (1932).

Of these districts, seven fall into the Hitler group, while three are listed as not being strong for the Hitler party. Leipzig, which leads the list in the number of qualified electors who voted, gave Hitler only an average vote of 30 per cent in the four Reichstag elections. On the other hand, the districts of Chemnitz-Zwickau, Magdeburg, and Merseburg, which also contain large urban, industrial populations, gave 41, 37, and 36 per cent, respectively, of their votes to the Nazis in these four crucial elections. Further intensive analysis of the relation between the increased total vote and the increased Hitler vote is required before definitive conclusions can be reached.

The usual result to be expected in public elections is that the rural areas will cast the highest percentage of their qualified votes, while the cities will have the poorest voting records. Interestingly enough, in these critical years in Germany, many of the urban industrial areas showed a greater electoral interest than did the agricultural areas. At the same time, this increased popular vote in the large cities as a rule was cast against Hitler, while the agricultural areas regularly showed a strong interest in him.

In all four of the Reichstag elections under review, Hitler's percentages of the votes cast were substantial in seven of the ten districts listed above where the average Nazi vote exceeded 40 per cent. In the July, 1932, election, however, the National Socialist party secured 51.3 per cent of the vote in Schleswig-Holstein, and in the March, 1933, election the party secured 50 per cent or more of the vote in the following eight electoral districts: East Prussia, Pomerania, Frankfurt (Oder), East Hannover, Liegnitz, Schleswig-Holstein, Breslau, and Chemnitz-Zwickau.

Disregarding a few districts which were not for Hitler in all of these critical elections, we find in the ten electoral districts listed above (p. 93) not only the highest average voting strength, but also continuous Nazi strength in election after election. A brief analysis of these ten districts, discloses, nevertheless, that they are not similar in their historical, social, and economic life. East Prussia, Pomerania, Liegnitz, Frankfurt an der Oder, and perhaps Breslau, are districts quite similar in most respects. But the great Saxon industrial area of Chemnitz-Zwickau is utterly different from the predominately agricultural areas of the east. The East Hannover district is also of vastly different social and economic composition from the eastern districts.

In other words, Hitler not merely made an appeal to East Prussian Junkers and peasants in general, but he also attracted support in some distressed industrial areas like Chemnitz, and in areas like Schleswig-Holstein and Hannover which are west or north of the Elbe, and which have historical backgrounds differing greatly from the Prussian.

The opposition to Hitler is easier to describe and to locate. It consisted of the well-organized proletarian populations of the big cities and most of the industrial areas; and it was found mostly in western and southern Germany. But here again the broad areal generalization must be qualified by pointing out that the Silesian district of Oppeln gave but 27 per cent of its vote to Hitler in these four crucial elections. Undoubtedly the Polish and Catholic influences were strong here.

Detailed analyses, district by district, within communities, and by social and economic groups, would throw much light on the reasons for the electoral behavior of the various German electoral districts just described. Unfortunately, such laborious and painstaking studies have not been made for the whole of Germany. In the valuable study of Schleswig-Holstein by Rudolf Heberle and in the investigation of Hesse by Schmahl-Seipel, the reasons for the political changes which occurred in those two areas in the period of the rise of National Socialism are well presented.⁵

However, until we are able to give definitive reasons for the behavior of all the different parts of Germany, we can at least be sure from the figures here adduced that German electoral districts have given widely differing responses to the Nazi party. We are able to locate by electoral districts the centers of strength and weakness of the party, and we are able to learn that Germany did not uniformly, and throughout the length and breadth of the country, embrace Hitler and his program. Not all German areas voted enthusiastically for the Nazis, as a study of the map of Hitler's strength readily shows.

The Germans as a mass showed enough enthusiasm for Hitler to permit him to be chosen Chancellor, twenty of the thirty-five electoral districts giving him an average of one-third or more of their votes in the four decisive Reichstag elections. But some areas bear a greater responsibility than others for his success. It is well, then, to focus our attention on the areas which gave him strong support, because the attitudes of these particular areas deserve the closest attention. It is in these areas particularly that we find the kind of German opinion which needs a strong dose of democratic education. Elsewhere in Germany, the Hitlerian cause was not approved, and a foundation exists there—notably in South and West Germany and in the big cities—on which a new democracy can be erected.

⁵ See *The Journal of Politics*, Vol. 5, pp. 3-26 and 115-141, for the studies of Schleswig-Holstein, and Schmahl-Seipel, *Entwicklung der völkischen Bewegung* (Gießen, 1933), for the study of Hesse.

THE JUDICIAL SYSTEM OF THE NAZI PARTY

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The Origin of Party Courts. When Hitler reestablished the NSDAP organization in the spring of 1925, he built it up rather systematically, with several divisions to which separate tasks were assigned. The SA were the "troops," intended for protection and order (as the Nazis saw it). The office of the *Reichsschatzmeister* was the finance division of the party, and the *Organization Department* had the job implied in its name. The Investigation and Adjustment Committees (*Untersuchungs- und Schlichtungsausschüsse*), briefly called USCHLA,¹ finally, were the beginning of a now elaborate judicial system within the party, consisting of a hierarchy of local and district courts and a supreme court. As the party membership increased rapidly and the problem of its internal consolidation became pressing, the work of the USCHLA piled up. At first, the USCHLA was a rather loose organization, its members working as trusted representatives, so to speak, of the local and district party leaders each of whom had three on his staff. Their judicial competence and procedure was established for the first time in a set of Directions (*Richtlinien*) decreed by Hitler in August, 1929.² After 1933, the Führer ordered the present Chief Party Justice, Walter Buch, to change the USCHLA into a regular party judicial system. New and amplified Directions were consequently decreed on February 2, 1934, defining the respective competences of the state and party courts, and assigning to the latter all matters affecting the party organization.³

¹ They used to be called USA. The new designation originated with Chief Party Justice Walter Buch, who explains: "The former designation 'USA' reminded me too vividly of the United States. I wished to avoid that because I like to be unequivocal. A judge cannot opalesce in all possible colors. From the beginning, he must endeavor to avoid all misunderstandings and let no doubts even be raised." See his article "Wesen und Sinn der Parteigerichtbarkeit," *Zeitschrift der Akademie für deutsches Recht*, Vol. 3, p. 202 (Feb. 20, 1936). ² Buch, *op. cit.*, p. 201.

³ *Ibid.*, p. 202. Herr Buch gives the following simple examples of when and why the party courts function, or when they leave the field to the state courts: (1) A citizen steals. The state punishes him. He is also a member of the NSDAP. It is clear that he cannot be counted one of "the best of the nation." Therefore, he will have to confront the party court. (2) A citizen is punished by the authorities because he is caught fishing where it is *verboten*. The party is not involved in this matter, and the party court will take no action. (3) A party member refuses to take part in party activities. The state will not be concerned about that, but the party court will hold him responsible because he violates the higher duties of party membership. For the full text of the Directions, with amendments to July 1, 1937, and annotations, see C. Haidn and L. Fischer (eds.), *Das Recht der NSDAP* (Munich, 1937), pp. 695-732.

The first head of the USCHLA was Lieutenant-General Heinemann, who resigned because of age. His successor, Major Buch, was appointed in 1927 when the party had only 60,000 members. His official title is now "President of the Party Supreme Court." He and one of his colleagues on the Party Supreme Court also belong to the nineteen *Reichsleiter* of the NSDAP, in which party office they rank with such men as Dr. Robert Ley, Dr. Joseph Goebbels, Dr. Alfred Rosenberg, and Heinrich Himmler,⁴ and enjoy the special protection of the Law against Vicious Attacks on State and Party of December 20, 1934.⁵

It is significant that both of the two men who have built up the party judicial system are former officers in the army, rather than judges or lawyers. According to Major Buch, Hitler intended to carry over into the Nazi movement the general concept of honor of the old German officer corps, although it was to be divested of its class character.⁶

Purpose. The Directions, which were approved by the then Deputy Führer, Rudolf Hess, on February 17, 1934, state that the party courts have "the purpose of preserving the common honor of the party and the individual party member and, if necessary, of adjusting differences of opinion among individual members." It is their special duty to take measures against "those party members whose conduct does not correspond with the concept of honor and the views of the NSDAP, and, when it appears necessary for the preservation of the honor and prestige of the party, to move the exclusion of unworthy members from the party." According to Chief Party Justice Buch, "the party courts always have to consider themselves the iron clasps of the movement which hold together the proud structure of the NSDAP, built up in laborious efforts by the political and SA leaders. To preserve it against damaging cracks and shocks is their primary task."⁷ It is the job of the Party Supreme Court to work out through its decisions the principles which govern the conduct of party members, in order that the "honor, purity, and internal strength" of the movement may be preserved. In that way, the Court is said to become the supreme court of honor within the nation.⁸ For, as Hitler said at the Nuremberg party convention of 1934, "all Germans are to become National Socialists; the best of them shall become members of the party."⁹

To put it into fewer and more direct words, the party courts have a double task. They are to *preserve unity within the party* by "adjusting"

⁴ Hans Fabricius, *Organisatorischer Aufbau der NSDAP* (in H. H. Lammers, and Hans Pfundtner, eds.), *Grundlagen, Aufbau und Wirtschaftsordnung des national-sozialistischen Staates*, Vol. I, No. 7 (Berlin, 1939 ed.), pp. 12-13.

⁵ Otto Koellreutter, *Deutsches Verfassungsrecht* (Berlin, 2nd ed., 1936), p. 158; also 3rd ed. (1938), p. 162; and Karl Krug, *Strafrecht und Strafverfahren*, in the series ed. by Lammers and Pfundtner, cited above, Vol. II, No. 41 (1936), pp. 46-47.

⁶ Buch, *op. cit.*, p. 201.

⁷ Quoted in Fabricius, *op. cit.*, p. 13.

⁸ *Ibid.*

⁹ Buch, *op. cit.*, p. 202.

differences and friction among party members, and among and with party leaders of various ranks; and to *preserve the prestige of the party* by punishing party members who have committed crimes, or have failed in their party-political obligations, or whose conduct has otherwise become a liability to the organization. While the courts appear to be much concerned with the "honor" of the party or its members, their purpose is plainly of a utilitarian character, as they are intended to maintain and strengthen the NSDAP as the backbone and moving power of the National Socialist state.

Legal Status. The legal position and powers of the party's judicial system are, of course, fundamentally dependent upon the status of the party itself. Under the Law for Safeguarding the Unity of Party and State of December, 1933,¹⁰ the NSDAP is the "bearer of the German government and is inseparably connected with the state." It is a "corporation of public law," the constitution of which is determined by the Führer. Because the party and its affiliated organizations are "the leading and moving power of the National Socialist state," its members have "increased duties" toward the Führer, the people, and the state. For violation or neglect of these duties, they are subject to a special party jurisdiction.¹¹ As violation or neglect of duty are considered "any action or neglect which may attack or endanger the stability of the organization, or the activity and authority of the NSDAP." The law allows the imposition by the party courts of arrest and imprisonment, in addition to the customary disciplinary measures. "The public authorities must, within their power, give assistance to party officials who are vested with party jurisdiction in rendering justice and legal redress." The orders and regulations necessary for the execution and extension of this law, especially concerning the formation and procedure of the party's jurisdiction, are issued by the Chancellor, *as the Führer of the NSDAP*—that is, not in his capacity as head of the state.

German writers on constitutional law stress that while under this law the NSDAP is in form a "corporation of public law," it is fundamentally different from it.¹² It is not subject to the state, but is "politically inde-

¹⁰ Text in William E. Rappard *et al.*, *Source Book on European Governments* (New York, 1937), pp. 67-68.

¹¹ The law provides also for a special S.A. jurisdiction. The S.S., N.S.K.K. (*Nationalsozialistisches Kraftfahrerkorps*, or automobile drivers' corps), and the Hitler Youth organization also have their own courts of various names which deal mostly with cases of disobedience. If they come across dishonorable acts of party members, they automatically pass them on to the party courts. See Buch, *op. cit.*, p. 203; also Directions, Paragraph 14, and annotations in Haidn and Fischer, *op. cit.*, pp. 701-702, 705, 709-713.

¹² Wilhelm Stuckart, *Nationalsozialismus und Staatsrecht* (in the series ed. by Lammers and Pfundtner, cited above, Vol. I, No. 15 (1936), pp. 37, 38.

pendent."¹³ It is not under the supervision of any organ of the state, as, constitutionally, it is a "fundamental institution" over which no institution of the state can exercise control.¹⁴ The Führer has the supreme power in all party matters, but not because of his position in the state (Chancellor), but rather as the Führer of the National Socialist movement. This independence of the movement rests on its own law,¹⁵ and not on public law, as is shown by paragraph 8 of the law just quoted. In other words, the party courts derive their jurisdiction and related powers from the NSDAP, which, in turn, is independent of the state and itself an originator of law,¹⁶ subject only to the will of the Chancellor acting in his capacity as the party Führer.

Structure: I. Local Courts. Locals of the NSDAP with 500 or more members have an *Ortsgericht* (local court), while within a given small district (*Kreis*) a *Kreisgericht* (circle court) serves all locals of the party which have fewer than 500 members each. The *Ortsgerichte* and *Kreisgerichte* are coördinate in rank, neither being subordinate to the other.¹⁷ They have jurisdiction over all party members who live in their respective districts and are there registered as party members, with the exception, however, of those who hold a party office of middle or higher rank, who come under the jurisdiction of the district court, or even of the Party Supreme Court. The jurisdiction of the lower party courts differs from that of the lower state courts in that it is not limited to cases of minor importance, but rather to the lower ranks of the membership,¹⁸ no matter what their alleged failings.

II. District Courts (*Gauengerichte*). The district courts fulfill a double function. They are (a) superior courts of appeal from the local courts; and (b) courts of original jurisdiction for party officials of middle rank (as designated in Paragraph 10 of the Directions)¹⁹ which the local courts lack. There is one district court for each district of the party, including, formerly, one for the Free City of Danzig and one for the *Ausland*, or foreign countries, with headquarters in Berlin.²⁰ In large district courts, the work may be divided among several chambers.²¹

III. The Party Supreme Court (*Oberstes Parteigericht*). This consists

¹³ Koellreutter, *op. cit.*, 2nd ed., p. 156; 3rd ed., p. 159. See, further, Ernst Rudolf Huber, *Verfassungsrecht des Grossdeutschen Reiches* (Hamburg, 1939; this is the 2nd edition of his *Verfassung*, published in 1937), pp. 289-297. (Quoted henceforth as *Verfassungsrecht*.)

¹⁴ Ernst Rudolf Huber, *Wesen und Inhalt der politischen Verfassung* (Hamburg, 1935), p. 86. ¹⁵ *Ibid.* ¹⁶ Stuckart, *op. cit.*, pp. 37, 38.

¹⁷ See also Fabricius, *op. cit.* (2nd ed.), p. 30; Buch, *op. cit.*, p. 203.

¹⁸ Buch, *op. cit.*, p. 203. Members of the Reichstag are under the jurisdiction of the various party courts, in accordance with their rank in the party. See Haidn and Fischer, *op. cit.*, p. 703. ¹⁹ *Ibid.*

²⁰ Fabricius, *op. cit.* (1936 ed.), pp. 25, 26, 30.

²¹ Buch, *op. cit.*, p. 203.

of three chambers, each with a president and four associates,²² which divide the work among themselves on a geographical basis. They constitute both the highest court of appeal from the district courts and the only party court of original jurisdiction for high party leaders who have no possibility of appeal.

A Central Office (*Zentralamt*) is attached to the Party Supreme Court. Headed by the Chief Party Justice, it directs the general work of the party courts and is in charge of all matters pertaining to personnel and the training of the judges, many of whom are not professionally trained jurists. It also keeps in contact with the proper state authorities concerning the passing of laws and decrees needed for the party's judicial work. It further investigates the racial purity of party members and their previous Masonic connections.²³

The Judges. The members of the Party Supreme Court are appointed by the Führer. Its president (often referred to as the Chief Party Justice—*Oberste Parteirichter*) appoints the presidents of the district courts, upon nomination of the respective district party leaders. The chairmen of the local courts are appointed by the Party Supreme Court upon nomination of the presidents of the respective district courts. The district and local judges appoint two assistant judges (*Beisitzer*) on the court and two substitutes, in agreement with the proper party authorities.

One member of a party court must belong to the S.A. Women are not appointed judges.²⁴ Party judges and associates may be dismissed only by the president of the Party Supreme Court.²⁵ The heads of the party courts may not hold other party offices,²⁶ and sessions of the party courts are not public.²⁷

The local courts are composed of laymen only. The district courts include professionally trained judges. The Party Supreme Court, in the words of Chief Party Justice Buch, is to be composed of the "best judges" of the party; but no definite qualifications are prescribed.²⁸ The present Chief Justice himself is not a jurist by training, but a soldier.²⁹ He has the reputation of being a very loyal follower of Hitler, as well as one of the earliest.³⁰

²² Fabricius, *op. cit.* (1936 ed.), p. 12.

²³ Buch, *op. cit.*, p. 203.

²⁴ According to Decree No. 52 in "Der Parteirichter," Vol. 3, p. 49, as cited in Haidn and Fischer, *op. cit.*, p. 702.

²⁵ Fabricius, *op. cit.* (1939 ed.), p. 14.

²⁶ Koellreutter, *op. cit.* (3d ed.), p. 182.

²⁷ Decree of the Deputy Führer, May 7, 1935, quoted in Haidn and Fischer, *op. cit.*, p. 740.

²⁸ Buch, *op. cit.*, p. 203.

²⁹ See his biography in the 1936 *Reichstagshandbuch* (Berlin, 1936), and in Edgar von Schmidt-Pauli, *Die Männer um Hitler* (Berlin, rev. ed., 1933), pp. 158-160.

³⁰ Konrad Heiden, *A History of National Socialism* (London, 1934), pp. 221, 241. According to the *Reichstagshandbuch* for 1936, he joined the party in 1922.

Judgments. The Directions provide for the following punishments: warning, reprimand, and, in the most severe cases, exclusion or even expulsion from the party. To these may be added the prohibition of holding a party office for a period of up to three years, of carrying arms for up to three months, or of acting as a public speaker.³¹ These disciplinary measures are similar to those imposed by the former courts of honor of the Imperial army.³² Exclusion, and especially expulsion, from the party is likely, of course, to have the most severe consequences for the professional and other future of a person.³³

While the Law for Safeguarding the Unity of Party and State allows party courts to impose arrest and imprisonment, no use has been made of this provision, at least not until the middle of 1936. The Chief Party Justice, however, has expressed the opinion that these punishments were likely to be imposed at some future date.³⁴

A case may be tried in a party court concurrently with or after its trial in a state court.³⁵ The party courts have to be notified by the state judicial authorities of the beginning and progress of a criminal trial against a party member. They are thereby enabled to take proper measures on their part, such as suspension or exclusion. There are no express regulations which would insure uniform decisions in both court systems, and judicial conflicts are, therefore, possible.³⁶

The execution of the party court judgments lies in the hands of the party organization, provided no possibility of appeal remains.³⁷ Judgments

³¹ Fabricius, *op. cit.* (1936 ed.), p. 30; Buch, *op. cit.*, p. 202. It is reported that Chief Party Justice Buch was present on Hitler's famous trip to Wiessee during the purge of June 30, 1934 (see Schumann, *op. cit.*, p. 449, and Heiden, *Hiller* (New York, 1936), pp. 369, 372-374); but the drastic punishments meted out at that time do not appear to have been ordered by the regular party courts. It will be recalled that they were legalized afterwards by cabinet decree (*Reichsgesetzblatt*, 1934, Vol. 7, No. 71, p. 529). Schuman (*op. cit.*, p. 460), without further explanation, refers to a "special party court martial, dominated by the SS" in Munich, which expelled SA members.

³² Buch, *op. cit.*, p. 202.

³³ The president of the Party Supreme Court has decreed that the Deputy Führer and the Reich Minister of the Interior are to be notified of the more severe judgments against party members who are civil servants. See his Decree No. 48 in "Der Parteirichter," Vol. 3, p. 27, cited in Haidn and Fischer, *op. cit.*, p. 723. See also the German Civil Service Act of January 26, 1937, Sec. I, paragraph 32 (2)3, translated by James K. Pollock and Alfred V. Boerner (Chicago, 1938); also the questionnaire to be filled out at time of appointment to the civil service, where exclusion from the party is considered equal to "conviction in court." See *Anhang zum deutschen Beamten-gesetz* of June 29, 1937 (text edited by Rudolf Beyer, Leipzig, 2nd ed., 1937), p. 209.

³⁴ Buch, *op. cit.*, p. 202.

³⁵ *Ibid.*; also Ernst Rudolf Huber, *Verfassung* (Hamburg, 1937), p. 166.

³⁶ Huber, *op. cit.*, p. 166; also his *Verfassungsrecht*, p. 299.

³⁷ Fabricius, *op. cit.* (1936 ed.), p. 30; for details concerning appeals, *ibid.*, pp. 30-31, and Directions, Paragraphs 30-34.

may be published in the press only with permission of the president of the Party Supreme Court.³⁸ The decisions of the Party Supreme Court are final. Only the Führer may modify them or set them aside by an act of pardon.³⁹

In making decisions, the party judges are not held to any provisions of state law. To quote the Chief Party Justice: "They are bound only by their National Socialist conscience; they are not subordinate to any party official; they are subject only to the Führer."⁴⁰ And further: "... even though the Führer, in his proclamation of April 25, 1928, subjected himself and all party offices to the orders of the Party Supreme Court, his word will always be the supreme law for everyone in the party. The party judicial system is by no means something by itself. ... Just as the Führer orders the direction in which the [National Socialist] movement marches, so he also decides what is to be law in the party. If, according to the will of the Führer, the meaning and purpose of the party is the preservation of Germanism [*deutsche Art*], then, *in accordance with his will, everything is lawful for the party that corresponds with the preservation of Germanism, and unlawful that conflicts with it*"⁴¹ (italics by Chief Party Justice Buch).

The Party Courts as an Organ of the Führer. The Führer principle is applied to the party judicial system in several ways. The local courts, for instance, have no jurisdiction over any party official, even if only of "middle" rank. As Chief Party Justice Buch puts it, "Under the structural system of the party—from those who are led up to the leader—it is impossible that a superior be judged by his subordinates."⁴² Jurisdiction over cases involving party officials is, therefore, reserved for the higher district courts, or even the Party Supreme Court.

It must be noted also that all members of the Party Supreme Court are appointed by the Führer—and there is nothing to keep him from dismissing them at will. The president of the Party Supreme Court is responsible to Hitler only.⁴³ Further, all heads of the lower courts are appointed by the Party Supreme Court, or in the case of the important district courts, by the president of the Supreme Court (Chief Party Justice) alone, who, as head of the Central Office, is also in charge of all matters pertaining to the personnel and training of the judges. According to the authority of Chief Party Justice Buch, who is the founder of the party court system as well as its head, there is no final law in these courts except

³⁸ Haidn and Fischer, *op. cit.*, p. 740.

³⁹ Buch, *op. cit.*, p. 203.

⁴⁰ Quoted in Fabricius, *op. cit.* (1939 ed.), p. 13.

⁴¹ Buch, *op. cit.*, p. 203. For a discussion of Nazi concepts of honor, see Walter Buch, *Des nationalsozialistischen Menschen Ehre und Ehrenschatz* (Munich, 1939). This pamphlet is a reprint from the publication of the Party Supreme Court, "Der Parteirichter."

⁴² *Ibid.*

⁴³ Koellreutter, *op. cit.* (2nd ed.), p. 177.

Hitler's word and will.⁴⁴ The party courts are obviously not independent agencies of justice—even of justice based upon party regulations. They are, instead, one more means for safeguarding the authoritarian leadership of the party Führer. This fact is, of course, in line with the "principle of leadership," which knows no division of authority and no fundamental independence of the judicial system, whether of the party or of the state.

Aside from propaganda, the extensive and systematic network of the party courts constitutes the strongest effort of the NSDAP toward the internal consolidation of the political *élite* and its steady readiness to be used by the Führer as a compact, coherent group. Originally heterogeneous elements from all classes of the population and all parts of the Reich, even from foreign countries—varying in age and religion as well as in social, educational, and other background—are held together by the "iron clasps" of the party courts (to use the words of the Chief Party Justice) in order that, internally, party unity may be achieved and maintained and, externally, party prestige may be sustained and increased.

⁴⁴ Stuckart, *op. cit.*, p. 38.

INTERNATIONAL AFFAIRS

THE CONCEPT OF A "COOLING-OFF PERIOD"

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There has at various times during the war been a good deal of discussion of the advantages to be gained from interposing a "cooling-off period" between the conclusion of hostilities in the obvious sense and the formal execution of an elaborate peace treaty. During such a possibly prolonged period of armistice (or whatever else it might be called), some of the passions generated during the war, it is hoped, might be mitigated, and an opportunity given for more leisurely, and therefore more intelligent and farsighted, investigation of many of the knotty problems to which during the war busy statesmen can scarcely be expected to apply their minds.

The attractiveness of this idea is obvious enough. It would be an inestimable benefit if somehow or other we could ensure that the postwar settlement would be made by people immune from the passions and hatreds which on all sides are likely to generate clouded and distorted thinking after the war. And it is equally obvious that, even with the most careful preparation now, there will, at the conclusion of the war, still be questions of first-rate importance, about which few people whose judgment merited respect would be prepared to offer confident solutions for immediate application. And even if they had confidence in their judgments on these issues, they are unlikely during the war to make as much progress as might be desired in convincing all the parties whose coöperation will be essential for the execution of their plans of the wisdom of their views.

If then there are any fields of policy to which the "cooling-off period" idea can be applied, it is a matter of great importance to identify them. Unfortunately, the search for these fields suggests the contrary and on the whole more pressing danger that we may be tempted to delay decisions on other issues, where delay will be extremely dangerous and prompt action essential if the inevitably difficult situation left at the end of the war is not then to deteriorate still further.

No one would seriously suppose that the peoples of certain parts of Europe could be subjected to a process similar to that which sent the Sleeping Beauty and her entourage to sleep for an indefinite period and without any of those affected by the process growing older while they were asleep. Some of the current uncritical thinking on this subject seems to contain an idea not far removed from this foolish belief. Especially if they have any degree of complexity, there are few human situations which can be thus crystallized. People will persist in growing older, and, what is perhaps more important, they will be profoundly conscious of the fact;

the consequent changes in their state of mind may render quite ineffective schemes which may have been carefully thought out at leisure, but without reference to the psychological deterioration going on while the schemes are being formulated.

These considerations have most importance for the reorganization of efficient economic life. Relief measures, it is true, must be undertaken first, but these measures themselves, as is generally agreed, must be so organized as to facilitate the utmost possible speed in restoring normal economic activity, in which the ordinary member of the population will earn his living in the ordinary way. In this connection, the question calls for examination whether normal economic activity can in fact be restored in Europe unless there is correspondingly speedy reestablishment of normal institutions in other fields, and in particular a speedy settlement of frontiers.

Leaving aside any necessity for the construction or maintenance of economic institutions for special or limited purposes, normal economic life in any kind of society clearly presupposes the existence of a framework of institutions, juridical and otherwise, which makes it possible to draw up contracts and to have confidence in their execution. Such a framework is indeed so essential that in countries like our own we do not have to think much about the steps necessary to establish it. We take it as a matter of course, and may therefore be apt to overlook the great urgency of this question for other countries where after the war it will by no means be a matter of course. To insist upon the necessity for such a framework in every part of Europe after the war indicates no undue preoccupation with mere technical formalities or legal curiosities. Whatever changes may be introduced into the economic life of Europe, this framework cannot be dispensed with. It is an essential foundation for the ordinary process of earning a living by the ordinary man, and the problem of providing this essential foundation is primarily a political problem.

If this is true of the "normal" economic life to which people were accustomed before the war, it will be still more true in the abnormal situation created by the war. One illustration of special importance will be sufficient. In every part of Europe without exception there will exist at the end of the war a potentially inflationary situation of considerable danger. Everywhere the volume of money has been abnormally expanded. The effects of this expansion upon prices have been held in check by various devices of price control and the like. The efficiency of the control has varied from country to country, but even where black markets have been most active, the worst manifestations of the cruder forms of inflation have so far been kept in check. If, however, the present machinery of control were to be relaxed after the war, and nothing put in its place, it is quite certain that a headlong inflation would gravely impede the process

of economic recovery, with corresponding risks of further political and social disintegration. As the author of *Relief and Reconstruction in Europe; The First Steps*¹ has pointed out, the mildness of the inflationary symptoms so far observed is due to the fact that "the technique of monetary and exchange control has greatly improved since" the last war; but it is a dangerous error to suppose that this improvement in technique is something which operates, so to speak, in the void, that we can therefore assume its indefinite continuance after the war, and are justified in dismissing as misleading any analogy between the probable post-war situation and "the last war and postwar years." For this technique, which has had a considerable though not quite unqualified success in keeping inflationary symptoms under control, is itself entirely and absolutely dependent upon the continued existence and efficiency of a political machine, which some of the thought influenced by the "cooling-off period" concept has been disposed to suggest might be left in abeyance in some parts of Europe, or at best maintained only in a rudimentary condition for some time after the end of the war. It is, on the contrary, quite certain that if the political machine does not then function properly, the analogy between the situation at the end of the present war and the post-1918 period may become alarmingly apt. At the end of the war, the European peoples will want (almost above everything else) an assurance that their currencies will be reasonably stable, and if (as is certainly the case) they cannot get a reasonably stable currency unless a reasonably stable political machine exists within which currencies can be managed and controlled, their wishes could not be satisfied if we told them that we thought it better on the whole to postpone political decisions until nearer the end of a "cooling-off period." It will, in the nature of things, be impossible even to maintain the price situation left at the end of the war unless something quite positive is put in the place of the German controls. If effective controls are not provisionally maintained and a positive remedial policy initiated without delay, the situation will rapidly deteriorate and perhaps get quite out of hand. This is true in varying degrees of all parts of Europe, but is especially true of countries like Poland, Czechoslovakia, and Yugoslavia, where several different currencies and several distinct administrative units for exchange control are at present in existence. The economic situation of these countries may rapidly become quite hopeless if no decisions are made about the fate of the administrative units into which they have been divided.

That very extension of state activity in economic life, to which so much importance is frequently attached as an outstanding characteristic of our time, itself imposes the necessity, for purely economic reasons, of establishing throughout Europe with as little delay as possible some sort of

¹ Published in London by the Royal Institute of International Affairs in 1942.

stable political framework, without which the instrumentalities essential for effective economic policy would be unable to work and would indeed scarcely be able even to exist. It is not merely that individual merchants and manufacturers may have a prejudice in favor of knowing which system of law they must bear in mind in planning their activities for the future, a matter which on a hasty judgment might be thought to affect only a relatively small and unimportant part of the population. The much more important point is that throughout the areas under German control the status of the circulating medium, which must or ought to have a very useful part to play, even during the period when relief activities are of overwhelming importance, will, after the war be so doubtful, and will so speedily deteriorate in the absence of any political authority which can keep it under control, that the establishment of a political authority to perform these essential functions must be regarded as a matter which cannot safely be postponed until the conclusion of a "cooling-off period."

These points are likely to be pressed with special vigor by some of the representatives of refugee Allied governments, naturally anxious to take every opportunity to fortify and consolidate their position, as the rightful permanent governing authorities of their former countries, and there may be an element of special pleading in the case which they present. We should not, however, on this account refuse to consider their argument at all. The problem must be recognized as one which simply will not admit of any delay at the end of the war, for delay may mean the rapid appearance of a chaos which will endanger the prospects of any kind of satisfactory reconstruction, political, economic, or social.

There are two lines of action whereby the problem might be tackled. The responsibility for controlling the currency of occupied areas (and it must again be emphasized that this is primarily a political and not merely an economic responsibility) might be assumed by whatever authority, presumably mainly British, American, and Russian, was in control of any military forces which might occupy the areas in question. There are, of course, numerous precedents for this throughout the history of military conquest and occupation. In the case with which we are concerned, the task of control would, however, be much more complicated and difficult than most of the precedents which come to mind. Currency regulation during the time of war in African territories occupied by the United Nations was a relatively simple question, though it has had difficulties enough; the more complicated German administration can scarcely be taken as a satisfactory guide, if for no other reason, because the interests of the inhabitants of the occupied territories have been regarded by the German administration as a minor consideration. A postwar administration could hardly be regarded as satisfactory unless these interests were its first concern. The task, moreover, would in any event make considerable

calls upon the personnel at the disposal of any provisional international authority, and demand careful preliminary planning. The latter condition was satisfied by the Germans, and they had a considerable trained personnel available, though even for them the problem of personnel seems to have been one of increasing difficulty. Even the Germans too, it should be noted, did not ignore existing political units, though they altered their form and structure quite ruthlessly when this suited their purposes. Where possible, they left the detailed work of currency control at least formally in the hands of the established authorities of occupied territories, e.g., in Norway, France, and Belgium, and where this was not possible, a separate administrative machine was created, as in Poland, to perform a similar function.

There are indeed very great and obvious advantages in treating the whole of this problem as a European problem right from the outset. By so doing, the prospects for a well-coördinated policy of collaboration at a later date, whatever the ultimate form of the international structure to be established, might be made much more favorable. But even if it were so treated, it would still be impossible to ignore frontier questions. The Germans themselves have not seriously contemplated the effacement of the boundary lines between administrative units. The existing boundaries must be either maintained or modified, and in either case the decision which cannot be avoided will powerfully influence, if it does not definitely determine, the future political structure of the areas affected.

The alternative course would be to entrust the responsibility for currency and exchange control to suitable local authorities. At once the question arises, how far should these authorities be based on the existing allied refugee governments? The same reason which makes some of the refugee governments anxious to consolidate their position also makes some other people reluctant to give them such an opportunity to create a situation of apparent strength. Later, it is thought, either for internal or other reasons, it may be found necessary to change the governmental structure of certain states. It is perhaps quite natural and proper to be a little skeptical about the prospects of ultimate stability for some of the refugee governments, but in the nature of things, it will simply not be possible to leave them suspended in mid-air, leaving the final decision about their status to be determined by the course of events. Unless there is to be an international authority which will ignore local divisions entirely, a course which can scarcely be seriously contemplated, some provisional decision about their status must be made in the very act of deciding about currency and exchange control. The risks involved in strengthening the position of a régime, which later may be found to be too far out of touch with local feeling to be maintained, are indeed not quite so serious as is sometimes implied. Changes of government are not

really so difficult to organize as seems sometimes to be supposed: it would be a serious error to delay giving any assistance in the reestablishment of any form of government in the vain hope that one could thus have any assurance that the form finally established would be eternal. Such an attitude might greatly increase the chances of currency and exchange disorders, and thus make the establishment of even a provisional government a matter of considerable difficulty.

This second alternative does not indeed necessarily imply the recognition of independent sovereign authorities on the old model, free to make their own decisions about currency matters without any regard to the requirements of coördination within a broader framework. It may be precisely in this connection that the opportunity will offer itself for co-operation along lines which will give fruitful results in other connections as well. Why should not the victorious Allied Nations say to the refugee governments: "We restore you as the effective government of the areas formerly included within your state. Experience has, however, shown that neither your nor any other state is safe so long as its policy in certain fields is pursued without paying proper attention to the necessity for coördination with the policies in the same fields of other states. The rights now restored to you are therefore not absolute rights. They are conditional, dependent upon your giving guarantees that you will progressively bring the policy of your country into line with whatever is determined to be appropriate by a properly constituted international authority"? And instead of leaving these guarantees merely vague and general, they could be converted to any extent thought desirable into specific conditions some of which could be brought into operation immediately. Some of the Allied leaders have already, though no doubt in guarded terms, indicated their willingness to submit to such control of the rights of sovereign states as other states were also prepared to accept. Acceptance of restoration on terms such as those outlined above would be greatly facilitated by, and might indeed be unattainable without, an expression of a similar willingness to give guarantees of the same kind on the part of the more powerful states which will be playing the most active part in the process of "restoration." One of the main guiding principles for postwar policy should be the desirability of making frontiers as unimportant as possible. It is not a paradox to suppose that this end will more effectively be attained if we also settle frontier questions as quickly as possible.

The view here expressed has nothing in common with another opinion, widespread but quite illusory, which assumes omnipotence on the part of the main victorious nations at the conclusion of the war, far exceeding any powers which any human organization has ever commanded in the past or will be able to command in the future. It is not a question of

elaborately working out during the course of the war a new map of Europe in the expectation that later it can in every detail be imposed upon the submissive and grateful people of Europe. Any decision made now must be provisional. We shall certainly not be prepared to fight to ensure that all such provisional decisions will ultimately be made final. But we should, without cherishing any dangerous illusions of omnipotence, realize that failure to work out provisional decisions in time may have disastrous consequences upon the subsequent course of events. If we uncritically accept the concept of a "cooling-off period," we are likely to encourage the dangerous illusion that simply by refraining from doing anything ourselves we may effectively ensure that nothing will be done. The course of events will, however, have a momentum of its own. We cannot in these matters dictate a settlement, nor should we endeavor to do so, even if it lay within our power. But by refusing to formulate any policy now, we do not ensure that at a later date the situation will be any easier than it is now to mould according to our own desires; on the contrary, the final result will much more probably be highly unsatisfactory both to ourselves and to many of the peoples most directly concerned.

THE SUEZ CANAL AND THE OUTLOOK FOR EGYPT

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The Suez Canal has been regarded at times and uncritically as one of Egypt's great assets. It is so considered by many of the political leaders of Egypt, as their attitude on Canal issues bears witness. In the sense that the Suez waterway, both as a project and as an achievement, has brought the land of Egypt prominently into the world scene during the past century, it has been a factor in the trend of development of that country second in importance only to the Nile River itself. This is no indication, however, that the Canal has had a beneficent influence on Egyptian life. Actually, a careful estimate of the changes it has wrought, both economic and political, leads inescapably to the conclusion that, with respect to tangible effects, the waterway thus far has worked to the distinct disadvantage of Egypt. It is impossible to bring the intangible balance sheet to totals, but it is safe to say that an Egyptian patriot more concerned with his country's national security and a balanced budget than with its prominence in world affairs might well deplore the fact that the Canal ever progressed beyond the stage of discussion.

While numerous political dangers to Egypt undoubtedly were inherent in the Canal, economic hazards were few in the scheme as originally projected. The Canal was to have been built by the proceeds of shares

taken up by the investing public in the various states of Europe and the United States of America, with 15 per cent of the net proceeds from Canal earnings assigned to Egypt as compensation for vested interest in the waterway. When most of the shares offered by the *Compagnie Universelle du Canal Maritime de Suez* were not taken up by the purchasers for whom they were intended, the French promoter, De Lesseps, found ways of foisting them upon the unwary ruler of Egypt, who later shouldered also the cost of the shares allotted to the Ottoman Government. Approximately 44 per cent of the Canal Company's original capitalization of 200,000,000 francs came from Saïd Pasha's purse—an outlay made possible only by the issuance of interest-bearing treasury notes.¹ One unwise step led to another. For example, in 1856 Saïd Pasha, under pressure, agreed to provide the Canal Company at Egyptian expense with four-fifths of the necessary construction labor. The termination of this impossible arrangement ten years later involved the assumption by the Pasha of penalties amounting to an additional 28,000,000 francs. Still other indemnities claimed by the Company and eventually paid amounted to 56,000,000 francs, and even thereafter Egypt continued to be burdened with the cost of maintenance of the Sweet Water Canal drawn from the Nile near Cairo.² These developments, growing out of the Canal's failure as a genuine international undertaking, might have resulted in its becoming primarily, and perhaps even profitably, an Egyptian undertaking. Actually, however, it became increasingly a private commercial enterprise in which Egypt participated only slightly, in consequence of the follies of successive Egyptian governors, aided and abetted by the machinations of certain European states.

A few of the more striking steps in the alienation of the Canal from Egyptian control or influence during the years of early commercial success will throw useful light on Egypt's situation in more recent years. Just as the Canal was coming into operation in 1869, all dividends payable on the Pasha's large shareholdings down to the close of the year 1894 were turned over to the Canal Company in lieu of a cash payment for warehouses and hospitals transferred by the Company to the Egyptian state. In 1875 the shares themselves were purchased by the British Government through the coup engineered by Prime Minister Disraeli. During the entire period, the Egyptian Government not only enjoyed no return from these shares, but, by the terms of sale, duly paid to Great Britain 5 per cent per annum on the par value of these shares after 1875, the original interest-bearing coupons of the share certificates being in the hands of the

¹ M. Sabry, *L'Empire Egyptien sous Ismaïl* (Paris, 1933), p. 63.

² *Recueil de Firmans Impériaux Ottomans* (Institute français d'archéologie orientale du Caire, 1934), p. 289; Lt.-Col. Sir Arnold T. Wilson, *The Suez Canal* (London, 1933), pp. 191-193.

Suez Canal Company.³ Meanwhile, even the 15 per cent of the net profits from Canal operations allotted to the Egyptian Government by the Act of Concession was transferred in 1880 in perpetuity to the *Crédit Foncier de France* in part satisfaction of debt.⁴ Egypt thus became almost completely divorced from the great commercial artery built very largely with Egyptian resources.

At the same time, commercial traffic which passed through the Canal free of any tribute to Egypt (although of course not free of burdensome tolls payments to the Suez Canal Company) tended to absorb such trade as had passed through Egypt prior to the opening of the waterway. After the opening of the "overland route" through Egypt in the 1830's, some quantities of goods paying customs duties to the Pasha traversed Egypt by river, caravan, and rail, and the incidental revenue to the Egyptian state from passenger traffic and the transit of British mails amounted to appreciable sums. The Suez Canal changed all this. Commerce shifted at once to the water route, followed some years later by the British and Indian mails. Travel through Egypt proper also fell off, and the rest stations and desert hotels, and even the Cairo-Suez railway line (completed in 1858), were abandoned.⁵ It is not too much to say that the Canal was a principal accessory to the state of bankruptcy which in the 1870's and 1880's brought Egypt into a state of dependency upon western Europe from which it is even yet attempting to recover.⁶ Thus, until very lately, the Suez Canal has only added economic burdens to and subtracted revenue from a country already steeped in poverty.

The Canal proved not only a great commercial artery but also a hardly less important naval and military route. Its strategic potentialities perhaps even more than its commercial utility have given rise from time to time to grave political issues among those Powers whose interests or aspirations have been found to lie on both sides of the Isthmus of Suez. Of such imperial interests, those of Great Britain—because they have been the most extensive—naturally have been most involved in the changes brought about by the Canal. As long as a substantial land barrier lay between the Mediterranean and Eastern Seas, a barrier bulwarked on the eastern side by British naval stations and on the western (after 1856) by the inviolability of the Ottoman Empire, the British Government was content with Egypt as a Turkish vassal state. But the physical barrier

³ *Parliamentary Paper*, 1876, c. 1391, pp. 6, 7.

⁴ *Parliamentary Paper*, *op. cit.*, pp. 20, 21; Royaume d'Egypte, *Annuaire Statistique*, 1914 (Cairo, 1915), p. 268.

⁵ H. L. Hoskins, *British Routes to India* (New York, 1928), pp. 367, *passim*.

⁶ Earl of Cromer, *Modern Egypt* (2 vols., New York, 1916), I, 11. Cromer says that a substantial part of the enormous debt contracted by Ismail before his deposition represented sums spent on the Suez Canal.

was breached and the monopoly represented by the Cape route destroyed by the opening of the Canal in 1869, and with political safeguards crumbling in consequence of the Russian attack on Turkey in 1877 and the simultaneous defaulting of Khedive Ismail on European financial obligations, Great Britain could not longer abstain from direct territorial commitments along the new water route to India and the East. An agreement with Egypt, signed on September 7, 1877—a logical sequence to the purchase by Great Britain of the Khedive's canal shares two years earlier—brought that province definitely within the British political sphere, where to all intents and purposes it remains. The acquisition of Cyprus in July, 1878, as a "*place d'armes*," the armed occupation of Egypt in 1882, the protectorate of 1914, and the intimate Anglo-Egyptian treaty of 1936 are all natural and inevitable consequences of the construction of the Suez Canal.⁸

The care with which the British Government has used its position in Egypt to maintain protective control over the Canal is more widely understood than is the way in which this position of vantage has been employed in recent years in maintaining an effective hold on Egypt. It is common knowledge that, after several years of negotiation, Great Britain joined with eight other Powers in 1888 in signing a convention designed to give the Canal an international status and some measure of international oversight and making Egypt the *mandataire* for the carrying out of the provisions of the convention. It is not so generally remembered that to this document the British attached a reservation stating that nothing contained therein should be understood to "fetter the liberty of action of Her Majesty's Government during the occupation of Egypt."⁹ Through all of the several changes which have since taken place in the status of Egypt and in the technical relations between that state and Great Britain, this reservation of 1888 has been preserved, in one form or another, down to the present moment.¹⁰ In fine, Great Britain was able to exercise a large measure of influence in Canal affairs by virtue of a recognized position in Egypt during the years 1879-1921 and has enjoyed a comparable measure of influence in Egyptian affairs by virtue of a paramount and recognized interest in the Canal since the creation of an independent Egypt. Thus it becomes apparent that Egypt is bound up in so many ways that it is nearly impossible to consider a postwar arrangement for the one without including the other.

⁸ FO 78/3189, "Agreement between the British and Egyptian Governments, signed at Alexandria 7 September, 1877."

⁹ See H. L. Hoskins, "British Policy in Africa, 1873-1877," *Geographical Review*, Vol. 32 (Jan., 1942), pp. 147-149.

¹⁰ *Parliamentary Paper*, Egypt No. 16 (1885) and Egypt No. 19 (1885).

¹¹ H. L. Hoskins, "The Suez Canal as an International Waterway," *American Journal of International Law*, Vol. 37 (July, 1943), p. 384.

While the political leaders of Egypt undoubtedly are well aware of the extent to which many of the fundamental problems of that state are linked up with the isthmian artery, there has been little indication at any time, as has been remarked, that most of them look upon this connection as a misfortune to Egypt. Their degree of complacency can be attributed in part, no doubt, to a certain pride in the world interest which the Canal brings into focus upon Egypt. A more material basis certainly is to be found in the ever-recurring hope that the Egyptian Government will discover ways of obtaining recompense for the resources and effort lavishly applied to the building of the Canal and vainly sacrificed by unwise rulers, and eventually will come to enjoy economic benefits of very considerable magnitude. This hope is undoubtedly the more substantial because of certain minor advantages which the Canal has conferred in late years. One of these has been the employment of Egyptians in the Canal towns, which has been a small item in the total national productive effort. Another has been the stimulation given to Egyptian agricultural interests in the Sudan. The Nile is a notoriously poor channel of access to the Sudan. The Canal not only brings the Mediterranean ports of Egypt nearer this region in point of time-distance, but also it greatly expedites the export of Sudanese produce to European markets.¹¹ Likewise there is some profit to Egypt from the many small trades and businesses that have made their appearance in the rising seaports of the Sudan and along the Red Sea littoral.

A more appreciable advantage has derived from the issuance by the Egyptian Government of the decree of May 2, 1935, voiding gold clauses in foreign currencies in Egypt, thus creating a doubt as to the legal right of the Suez Canal Company to levy tolls at more than 10 paper francs per *tonneau de capacité*, that being the limit as defined in the Supplementary Act of Concession of 1856. Representations by the Canal Company on this point led to an Egyptian decree of April 23, 1936, translating the maximum toll rates of 1856 into an equivalent of gold francs. Thereupon an agreement was concluded (August 9, 1937) whereby the Egyptian quota of employees in the Canal organization would be increased to 33 per cent, a royalty of £E300,000 (approximately \$1,500,000) would be paid the Egyptian Government annually from the Company's revenues, and two Egyptian directors would be appointed to the Canal Board. Also, whenever the number of directorships may be increased, one of the new posts is to be assigned to an Egyptian.¹² Since 1937, consequently, Egypt has had a direct return from the operations of the Canal for the first time

¹¹ F. de Varennes-Bessuel de St. Victor, *Le Canal de Suez* (Paris, 1939), p. 122; Compagnie Universelle du Canal Maritime de Suez, *Bulletin décadaire*, No. 2191 (15 Jan. 1937), p. 9044.

¹² Royal Institute of International Affairs, *Bulletin of International News*, XV, 10.

since 1880. Unfortunately, it has thus far been inconsequential because of the heavy disruption of Suez Canal traffic by the present war; but it would not have been a relatively large return in any event.

The principal Egyptian hope that the Canal may become a great economic asset lies in the approach of the year 1968, when the Suez Canal Company's charter will expire, and when, unless it is renewed, all of the rights, properties, and facilities of the Company will revert to Egypt. When, in 1910, officials of the Company brought forward proposals that the Canal concession be extended to the year 2008, with the provision that all profits from Canal operations be divided evenly with Egypt in lieu of the 15 per cent profit specified in the original charter, and with gradual Egyptian participation in Canal earnings from 4 per cent to 12 per cent in the interval between 1922 and 1968, the Egyptian General Assembly turned a deaf ear.¹² No formal overture by the Company has been made since that time, either because of an opportunist outlook or because of a belief that the Egyptian authorities are determined to seek greater benefits from their own control and operation of the Canal.

If the acquisition of full control of the Canal and also the maintenance of a completely independent national status are objectives upon which the Egyptian Government has determined, it may not lie within the province of those Powers which are now shaping a mold for the postwar world arbitrarily to make other dispositions. There is still ample time for major alterations in Egyptian policy before a new world balance shall have been struck, however, and it would be naive to disregard the many kinds of compelling pressure which can be brought to bear upon a small state without violating its sovereign rights. Hence, those who are to shape Egyptian destinies may find it expedient, and even essential, to take into consideration the wishes of the Powers, even though this may not nearly coincide with Egyptian aspirations. At this point, therefore, it may not be unprofitable, in view of past relationships between the Suez Canal and the affairs of Egypt, to consider the alternatives with which Egypt will be faced within the next few years.

In late years, there have been scattered indications that a few of the Egyptian leaders would favor a renewal of the Canal Company's charter, should Egypt be awarded generous compensation and be relieved of the necessity of assuming onerous responsibilities. The prevalent tone of the Egyptian press, however, warrants the assumption that the government aims to take over the Canal in entirety not later than 1968, both as to operation and as to political control. A shrewd estimate of the necessarily dominant place of the Canal in Egyptian domestic policy and foreign relations makes it questionable whether Egypt would find either its operation

¹² Royaume d'Egypte, Ministère des Finances, *Recueil de Documents* (Cairo, 1911), p. 10.

as a national utility or its political and military protection, or both, remunerative. The Canal will not prove an unalloyed advantage in any event, for the following reasons:

1. According to the terms of the original concession, the possession of the Canal is to revert to Egypt free of cost at the expiration of a period of 99 years. There is a proviso attached, however, that Egypt shall then take over from the Canal Company all equipment and provisions at a price to be fixed by the interested parties or by expert referees.¹⁴ A fair price for the facilities built up by the Company in the course of more than a century cannot fail of being fixed at a sum which would constitute a heavy burden upon the limited financial resources of Egypt, and one which will neutralize any probable profits over a considerable period. Moreover, it is unlikely that the European community after the close of the present war will tolerate Canal tolls pegged even at the recently reduced level.

2. In addition to this, Egypt undoubtedly will be compelled to depend in some measure on expert services and special equipment to be had for a price only from abroad. Egypt lacks the technicians, engineers, mechanical equipment, and experience required to keep the Canal functioning adequately; and it is improbable that the eastern trade will yield revenues after the close of the present war sufficiently ample to satisfy budgetary needs and still make proper provision for operational costs.

3. The assumption of full ownership and control of the waterway will not necessarily include the duty or the privilege of providing for its defense from external dangers, although Egyptian political leaders aspire to that also. The Anglo-Egyptian treaty of August 26, 1936¹⁵ (supplemented by the unratified Anglo-Italian agreement of April 16, 1938, to which Egypt adhered),¹⁶ places upon Great Britain the responsibility of protecting the Canal until such time as, in the estimation of British authorities, Egyptian armed forces become sufficiently strong to take over that task. As long as Great Britain finds it requisite to supply that essential service, it is impossible to suppose that there will not be an expectation of preserving a generous share in the direction of Canal affairs. Under some easily imaginable circumstances, this might well become indistinguishable from the privilege of exerting influence in the domestic affairs of Egypt, as recently has been the case. This recognized position of Great Britain with reference to the Canal will surely not improve Egypt's chance of operating the waterway for profit.

¹⁴ *Bulletin décadaire*, 15 January, 1939; Italian Library of Information, Extra series No. 3 (Apr., 1939), p. 32n.

¹⁵ *Parliamentary Paper, Treaty Series* No. 6 (1939), Cmd. 5360, "Treaty of Alliance between His Majesty in respect of the United Kingdom, and His Majesty the King of Egypt."

¹⁶ *Parliamentary Paper, Treaty Series* No. 31 (1938), Cmd. 5726: I, "Agreement between the United Kingdom and Italy," p. 24; II, pp. 37, 38.

4. The Suez Canal was constructed for international use and has proved to be a highway of both commercial and strategic value. Assuming the continued importance of water-borne trade and the rôle of naval vessels in peace and war, the Canal never will be immune from the rival aims and aspirations which enter into international politics. Should the functioning of the Canal not prove to be generally satisfactory under Egyptian operation, some type of intervention almost inevitably would occur. It has been this sort of danger, in fact, that has been at the bottom of British determination to maintain a protective position relative both to the Canal and to Egypt.¹⁷ At the very best, the Egyptian Government, if solely responsible for Canal operations, would have to be prepared to resist constant demands by the mercantile interests of other states (notably those of Great Britain) for the reduction of tolls, on the one hand, and for the maintenance of a high degree of efficiency in the transit services, on the other—a prospect destitute of great financial promise.

It is patent that, from the Egyptian point of view, an ideal solution of the Suez Canal problem will hardly be found. If the Egyptian Government persists in exercising its rights and elects to take over the Canal wholly at the end of an inconsiderable span of years, it may expect to have on its hands one of the most ponderous of white elephants. In thus exercising its sovereign rights, it may risk the loss of the independence it now possesses. To delegate the operation and/or the protection of the waterway, even under treaty guarantees, will certainly not avert the danger of foreign tutelage as long as the Canal traverses Egyptian territory. To detach and alienate the sovereignty of the Canal zone would entail a loss of national prestige, if not a sacrifice of economic interest. In theory, the best solution would seem to lie in transferring to an international government (were one meanwhile to be constituted with adequate powers) both the control and the administration of the Canal, making fair allowance, of course, for Egyptian vested interests. Since, however, an international political structure capable of taking effective measures for the efficient functioning of such a strategic international highway is not immediately in sight, acceptable expedients must be sought along more familiar lines.

The problem is greatly complicated by the fact that the Canal cannot be entirely divorced from Egypt, even with the latter's assent. Protection of and supervision over the Canal always will involve in some measure a protective arrangement for Egypt, not so much because of the proximity of the Isthmus to the Delta, as because the maritime canal cannot be operated without fresh water from the Nile. The Sweet Water Canal is the very life blood of the ship canal as a usable waterway. To attempt to set

¹⁷ *Die Grosse Politik der Europäischen Kabinette* (40 vols. in 54, Berlin, 1922-27), III, No. 861; *Documents diplomatiques français* (23 vols., Paris, 1929-36), 1^{re} Sér., II, Nos. 408, 430.

up condensing apparatus which would provide adequately for the fresh water requirements of Port Said, El Kantara, Ismailia, Port Tewfik, and Suez—populations totalling well over 100,000 souls¹⁸—as well as for the requirements of vessels in transit, is altogether impracticable. The political future of Egypt, consequently, appears to be bound up inextricably with the control of the Canal. For this reason, it may be that there is no sound alternative to some form of international guardianship over the Canal and Egypt alike. The present arrangement, in fact, in which Great Britain, under treaty with Egypt, acts as the agent of the Powers signatory to the Convention of 1888 (and informally for all others)¹⁹ in providing for the security of the Canal and insuring its operation according to the provisions of international law, has much to recommend it, and for practical purposes could well be continued. Probably its chief disadvantage lies in the distaste with which Egyptians regard it, even in its disguised form as an Anglo-Egyptian alliance. However, it must be understood that this arrangement has to do only with over-all political supervision and does not, and probably cannot, apply to the commercial operation of the Canal, which poses other problems of increasing moment as the year 1968 approaches.

With reference to this latter question, the world has had some experience—satisfactory on the whole—with international commissions in instances not entirely unlike the case in point.²⁰ It may seriously be suggested, therefore, that for the operational needs of the Suez waterway an international canal commission could satisfactorily be set up under an international convention and charged with the commercial administration of the Canal in the interest of the nations generally rather than that of a group of stockholders such as constitute the *Compagnie Universelle du Canal Maritime de Suez*. A scheme of this nature might easily achieve more satisfactory results than could be anticipated from an Egyptian, quasi-French, British, or, for that matter, any national agency, since none of these would be free from discriminatory predilections. Egypt naturally would require compensation for the surrender of its pecuniary stake in the Canal, but would not necessarily suffer much, if any, loss of *amour propre* in the process.

As has been observed, the Egyptian Government may not readily fall in with any such proposals as these. Nevertheless, an objective appraisal

¹⁸ Based on a report for 1937 in *Royaume d'Egypte, Annuaire Statistique, 1937-1938* (Cairo, 1939), p. 13.

¹⁹ Cf. *Foreign Relations of the United States* (1898), p. 982.

²⁰ For example, the European Danube Commission, reconstituted in 1920 to introduce a greater degree of efficiency into the navigation of the Lower Danube, functioned excellently until its character was altered in 1936 as a measure of "appeasement" to Rumania.

of the issues bound up in the Suez Canal leaves little doubt on one fundamental point. Whatever its title and claims to and interest in the waterway, Egypt is not likely to be permitted by the European community, without giving bond in one form or another, to assume full political and commercial control of the Canal. Even the United States, which ordinarily makes little use of the waterway, has a two-fold interest in arrangements affecting it: an interest in the maintenance in all parts of the world of freedom of trade and navigation, and a concern for the maintenance of peace among the nations. If in the pursuance of either of these aims it should appear that Egypt is an overly weak instrument on which to rely for the proper ordering of one of the world's principal highways, the countenance of our Government undoubtedly will be turned toward those who can serve the international community more efficiently, having always in mind our own peculiar position relative to the Panama Canal.

Egypt, which cannot be freed entirely from the liabilities created by the Suez waterway, is thus a victim of circumstance. Being a small, weak nation, exposed to the world by one of its own resources which it is not free fully to exploit, it must needs continue to live in an oppressive international atmosphere. This circumstance it inherits from the ancestral Ottoman Empire, which, as "the occupier of the road to India," as Lord Palmerston termed it, was the ward of the Powers for some three-quarters of a century. For the same reason, although possibly in a more involved manner, Egypt will hardly be able to avoid a similar relationship to the dominant Powers of Europe.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Professor Morley Ayearst, of New York University, has been granted leave for the current academic year and is at present a section chief in the Economic Intelligence Division of the Foreign Economic Administration.

Dean William C. Johnstone, of George Washington University, has been made director of a Washington Study Program sponsored by the Institute of Pacific Relations, and is in charge of a Washington office opened by the Institute at 744 Jackson Place.

Late in 1943, the board of trustees of the University of Denver designated Dr. Ben M. Cherrington to serve as chancellor during the military leave granted Chancellor Caleb F. Gates, Jr.

Professor Ford P. Hall, of Indiana University, has been appointed dean of the faculties, in place of Dean Herman Briscoe, who is on leave of absence with the War Man Power Commission in Washington, D. C.

Professor Hans J. Morgenthau, of the University of Kansas City Law School, who has been substituting for Professor Quincy Wright during the autumn and winter quarters, will continue in residence at the University of Chicago during the spring and summer quarters of 1944. During the winter quarter Professor Morgenthau is delivering a series of public lectures on "The Scientific Delusion and the Problem of International Order."

During the autumn quarter, Professor C. Herman Pritchett, of the University of Chicago, devoted his vacation to a study of the organizations housed at 1313 East Sixtieth Street, Chicago. He will complete the study during the summer quarter of 1944.

Professor Kenneth Cole, of the University of Washington, is on leave during the winter quarter and is using the facilities of various university libraries throughout the country in connection with a forthcoming book on public law.

Professor Donald Webster, of the University of Washington, has been commissioned Captain in the Military Government unit of the Army. He left Seattle in December to take up his new duties.

Professor Linden Mander, of the University of Washington, has taken over additional duties in connection with an adult education program

which involves frequent trips to various communities throughout the state.

Professor George W. P. Pheil, of the State Teachers College, Oshkosh, Wisconsin, represented the American Political Science Association at the inauguration of Clark George Kuebler as seventh president of Ripon College on December 7, 1943.

Dr. William J. Bruce, formerly of Stanford University, has left his position with the War Relocation Authority at Manzanar, California, to join the staff of the U. S. Bureau of the Budget. He will be with the Statistical Standards Division.

Major William P. Maddox, of the University of Pennsylvania, has returned to London, England, and is in charge of the London branch of the Office of Strategic Services.

Professor Charles C. Rohlfing, of the University of Pennsylvania, has been named a consultant to the Philadelphia Federal Regional Council on Personnel Administration.

Mr. William G. Walker and Mr. Milton Lightwood have been appointed assistants at the University of Pennsylvania, and Mr. Gayle Lawrence has been appointed part-time instructor.

Dr. Albert G. Selke has been appointed instructor in political science at the University of Michigan.

In the interest of historical accuracy, it may be noted that the death of Professor Edward M. Sait, reported in the last issue of the REVIEW as having occurred on October 26, actually occurred on October 25.

At the University of South Dakota, Dr. R. F. Patterson has been promoted to the rank of associate professor and made acting head of the department of government. He will also serve as director of the Government Research Bureau.

Dr. Kimon A. Doukas, who has taught at Brooklyn College since 1936, as well as at City College and Latin-American Institute, New York City, has accepted an appointment at Indiana University for instruction in the Balkan area in connection with the Army Specialized Training Program.

At the First Session of the Council of United Nations Relief and Rehabilitation, held at Atlantic City, November 9 to December 1, Professor Walter R. Sharp, of C.C.N.Y., acted as secretary for the Committee on Permanent Rules and Regulations, and Professors Luther Gulick and Philip Jessup, of Columbia University, as secretary for the Committee on Relief and Rehabilitation Policies and assistant chief of the Secretariat, respectively.

Dr. Laverne Burchfield has severed her connection with Public Administration Service in order to accept an appointment at the University of Chicago on the project in rural education conducted by Professor Floyd Reeves. In addition, Miss Burchfield has been appointed managing editor of the *Public Administration Review*, Mr. Don K. Price having accepted a commission as Lieutenant (j.g.), U. S. Coast Guard.

Dr. Esson M. Gale, who has been serving as professor of political science at the University of Michigan, has been appointed counselor to foreign students and director of the International Center at the University of Michigan.

Dr. Robert D. Leigh (first president of Bennington College), now serving as director of the Foreign Broadcast Intelligence Service of the Federal Communications Commission, is also serving as the first chairman of the United Nations Monitoring Committee. This committee was organized in London last July to coördinate and integrate the United Nations governmental monitoring stations throughout the world into a unified network for the use of all the governmental intelligence agencies during the war period.

After five years' service as director of the Governmental Research Institute in St. Louis, Dr. Charlton F. Chute has been given leave of absence to serve as director of research of the newly created Committee on Legislative Research authorized by the 1943 Missouri General Assembly. During his absence from the Institute, his work there will be carried on by Dr. Victor D. Brannon.

Dr. Gilbert G. Lentz, assistant professor of political science and director of the public service training program at Occidental College, has been appointed director of the Legislative Reference Bureau of Hawaii, created at the 1943 session of the territorial legislature. He will serve also as professor of public administration at the University of Hawaii.

Professor Raymond G. McKelvey, of Occidental College, is on partial leave from teaching duties in order to serve as executive director for the Southern California Council of Inter-American Affairs, which acts as liaison in Southern California for the Office of Coördinator of Inter-American Affairs and the Department of State's Division of Cultural Relations. On Sunday evenings, Professor McKelvey acts as moderator for the radio round-table, "The Court of Public Opinion," sponsored by the Los Angeles *Daily News* and Blue network station KECA.

Professor Joseph S. Roucek, of Hofstra College (Hempstead, Long Island), will serve as visiting professor at the University of Wyoming in July, and at San Francisco State College in August. He is editing the

March issue of the *Annals of the American Academy of Political and Social Science* dealing with Central-Eastern Europe; and on December 4, under his direction, the Metropolitan Conference of International Relations Clubs, sponsored by the Carnegie Endowment for International Peace and the Institute of Central and Eastern European Affairs, held its annual meeting at Hofstra College, with some one hundred representatives from thirty colleges and universities in and around New York discussing "The Basic Principles of Post-War Planning."

The Philadelphia Federal Council of Personnel Administration was organized in the summer of 1943, with W. Brooke Graves, recruiting representative of the Third U. S. Civil Service Region, as chairman. It is one of a group of field councils organized for the purpose of improving personnel administration in the field and of channeling ideas on the subject between Washington and the field. Ten committees, each dealing with an important phase of personnel administration, have been established. The council's membership, now numbering 128 (55 regular, 65 associate, 8 consultant members and consultant-secretaries), is limited to directors of personnel and their assistants, or those whom they may consult, in the metropolitan area. Included among the consultant members are William C. Beyer, director of the Philadelphia Bureau of Municipal Research, Charles C. Rohlfing, University of Pennsylvania, and Raymond S. Short, Temple University. It is believed that the Council can have a very important place in the development and improvement of the personnel practices of the member agencies.

Dr. Fred W. Powell, of the Brookings Institution, died in Washington, D. C., on June 12, 1943, at the age of sixty-one. Behind him were almost forty years of service to government and governmental research. As a pioneer with Frederick A. Cleveland in the governmental research movement, Powell spent the dozen years following his graduation from Stanford University on the staff of the New York and Philadelphia Bureaus of Municipal Research, and was director of the latter from 1909 to 1911. After receiving his doctorate from Columbia University in 1918, he held important posts with the federal government, including that of chief of the European Division, Bureau of Foreign and Domestic Commerce. From 1920 to his retirement in 1942, he was a senior staff-member of the Institute for Government Research of the Brookings Institution, participating in numerous studies of federal and state administration, and giving active direction to important phases of the Institute's program. Powell was distinguished by a brilliant and penetrating mind, an acid disdain for sham and pretentiousness, insistence upon high standards of scholarship, and a consuming interest in the development of American institutions.—JAMES W. FESLER.

The Southern Political Science Association has recently published two reports by its Committee on Research. The first, entitled "Research, Public Service, and the Political Scientist in the South," develops in a dozen pages the thesis that the political scientist has an obligation, especially in wartime, "... to demonstrate that his training was a profitable investment..." and that this demonstration can best be made through active participation, as consultant, adviser, and researcher, in the every-day administration of government at all levels. While the Committee's argument of this thesis may not impress all members of the profession as sound, the report will nevertheless be generally found both provocative and challenging. The second report, "Governmental Problems of the Postwar Period," carries a sub-title which reveals its nature, namely, "Research Suggestions for Southern Political Scientists"; and it performs the service of suggesting twenty-eight research projects which might well engage the attention of political scientists during both the war and the postwar periods. The Committee's comments are aimed particularly at Southern political scientists, although they should prove suggestive to persons interested in research on public problems everywhere. Members of the committee making the two reports are Lawrence L. Durisch, Tennessee Valley Authority; Stuart A. MacCorkle, University of Texas; George A. Shipman, Bureau of the Budget (on leave from Duke University); Raymond Uhl, University of Virginia; and Charles S. Hyne-man, Bureau of the Budget (on leave from Louisiana State University), *chairman*.

Thirty-ninth Annual Meeting of the American Political Science Association. The thirty-ninth annual meeting of the American Political Science Association was held at Washington, D. C., on January 20-23, 1944, with the Hotel Statler as headquarters. This was a joint meeting with the American Economic Association and the American Society for Public Administration. Although held in 1944, it was viewed as the 1943 annual meeting. At the request of the Office of Defense Transportation, the meeting was held in January instead of the Christmas recess, and no effort was made to bring members from all parts of the United States.

The joint program was prepared by Dr. Marshall E. Dimock (chairman of the Washington Committee of the American Political Science Association), Professor A. B. Wolfe (president of the American Economic Association), and Dr. G. Lyle Belsley (representative of the American Society for Public Administration). There were 1,922 registrants, most of them from the District of Columbia, Maryland, and Virginia. About one hundred of the members present from the three societies came from more distant parts of the United States. At the thirty-eighth annual meeting, held in Washington, D. C., in 1943, there were 566 registrants.

One unique feature of the meeting was a nation-wide radio broadcast by the National Broadcasting Company at 3:30 P.M. on Saturday, January 22, in which a summary of the proceedings of the annual meeting was given by Messrs. Robert E. Cushman, A. B. Wolfe, Louis Brownlow, and others.

At least one regional meeting of political scientists was held. On January 22, John M. Pfiffner, president of the Pacific Southwest Academy, presided over a session of political scientists, economists, and public administrators at the University Club in Los Angeles, and listened to the broadcast from Washington. The officers of the Southern Political Science Association were present at the Washington meeting. A breakfast session of this Association was held on January 22. On the same day, Roscoe C. Martin, president of the Southern Political Science Association, presided at the luncheon session of the three societies at which Representative Robert Ramspeck made the principal address.

The Program Committee attempted, in the words of Marshall E. Dimock, to secure an integration of the contributions of economics, political science, and public administration in the field of the significant problems of the postwar era. This undertaking was achieved with conspicuous success. Some of the papers and addresses of the political scientists as well as of the economists will be published in the Proceedings of the American Economic Association. Others will appear in this REVIEW.

The program as actually carried out was as follows:

Thursday, January 20

PUBLIC MEETING

Chairman: Robert E. Cushman, Cornell University.

J. B. Condliffe, Carnegie Endowment for International Peace—"The Economic Organization of Welfare."

Clarence Berdahl, University of Illinois—"United States Leadership in the Post-War World."

Friday, January 21

THE IMPLEMENTAL ASPECTS OF PUBLIC FINANCE

Chairman: Stacy May, War Production Board.

Roy Blough, United States Treasury Department—"Public Finance, Economics, Politics, and Administration."

Harold Groves, University of Wisconsin—"Needed Changes in the Post-War Federal Tax System."

Discussion: William Anderson, University of Minnesota; Walter S. Salant, Office of Price Administration; Gerhard Colm, Bureau of the Budget; Ralph Flanders, Jones & Laughlin Machine Company, Springfield, Vt.

POLITICAL SCIENCE, POLITICAL ECONOMY, AND VALUES (FIRST SESSION)

Chairman: Leon C. Marshall, Washington, D. C.

Raymond T. Bye, University of Pennsylvania—"Some Criteria of Social Economy."

John M. Gaus, University of Wisconsin—"Common Ground and Common Tasks."

Discussion: J. J. Spengler, Duke University; Horace Taylor, Columbia University.

POLICY FORMATION

Chairman: V. O. Key, Johns Hopkins University.

Harold D. Lasswell, Library of Congress—"The Intelligence Function in Policy Formation."

Ernest S. Griffith, Library of Congress—"Changing Patterns in the Formation of Public Policy."

Discussion: James L. McCamy, Foreign Economic Administration; Harold F. Gosnell, Bureau of the Budget; Stanley K. Hornbeck, Department of State; Lyle Belsley, War Production Board.

LUNCHEON MEETING

Chairman: Joseph S. Davis, Stanford University.

Joseph Eastman, Director, Office of Defense Transportation—"Public Administration of Transportation Under War Conditions."

THE EDUCATIONAL FUNCTION OF ECONOMISTS AND POLITICAL SCIENTISTS

Chairman: Arthur N. Holcombe, Harvard University.

Leaders: John M. Clark, Columbia University; Frank H. Knight, University of Chicago; Robert D. Leigh, Federal Communications Commission; William Anderson, University of Minnesota.

Discussion: Carl Swisher, Johns Hopkins University; Roscoe Martin, University of Alabama; Leon C. Marshall, Washington, D. C.; Lester Chandler.

HUBS AND SPOKES FOR PLANNING: CONGRESS, THE EXECUTIVE, THE INTEREST GROUPS—A STOCK-TAKING PANEL DISCUSSION

Chairman: Arthur Macmahon, Columbia University.

Thomas Blaisdell, War Production Board.

Robert K. Lamb, Congress of Industrial Organizations.

E. J. Coil, National Planning Association.

John F. Fennelly, Committee for Economic Development.

Avery Leiserson, Bureau of the Budget.

Helén Fuller, *New Republic* Washington Bureau.

Congressman Estes Kefauver.

SOCIAL SECURITY

Chairman: Ewan Clague, Social Security Board.

Eveline M. Burns, Washington, D. C.—"Social Insurance in Evolution."

Edwin E. Witte, Chairman, Regional War Labor Board, Detroit—"What We Should Expect from Social Security."

Discussion: J. Douglas Brown, Princeton University; E. W. Bakke, Yale University; Emerson Schmidt, Committee on Economic Development.

DINNER MEETING

Chairman: Amos Taylor, Director, Bureau of Foreign and Domestic Commerce.

Leon Henderson, Research Institute of America—"Changing Contours of Government and Business."

PRESIDENTIAL ADDRESS

Chairman: Edwin G. Nourse, Brookings Institution.

A. B. Wolfe, President, American Economic Association—"Economy and Democracy."

Saturday, January 22

BREAKFAST MEETING, SOUTHERN POLITICAL SCIENCE ASSOCIATION

BUSINESS MEETING, AMERICAN ECONOMIC ASSOCIATION

PROBLEMS OF BUREAUCRACY IN BUSINESS, LABOR, AND GOVERNMENT

Chairman: Pendleton Herring, Harvard University.

Lincoln Gordon, War Production Board.

Herbert Emmerich, Federal Public Housing Authority.

John Corson, Social Security Board.

Wayne Coy, Bureau of the Budget.

Lloyd Reynolds, Johns Hopkins University.

Joseph Juran, Foreign Economic Administration.

Clinton Golden, War Manpower Commission.

Walton Hamilton, Yale University.

POLITICAL SCIENCE, POLITICAL ECONOMY, AND VALUES (SECOND SESSION)

Chairman: B. F. Haley, Department of State.

Arthur Salz, Ohio State University—"The Present Position of Economics."

Herbert von Beckerath, Duke University—"Interrelations Between Moral and Economic Factors in the Post-War World."

Francis G. Wilson, University of Illinois—"Ethics in the Study of Democratic Politics."

Discussion: Frank D. Graham, Princeton University; Wesley C. Mitchell, Columbia University; Frank H. Knight, University of Chicago.

ADMINISTRATIVE IMPLICATIONS OF BROADENING UNITED STATES PARTICIPATION
IN INTERNATIONAL AFFAIRS

Chairman: Luther Gulick, Foreign Economic Administration.

W. E. Mosher, Foreign Economic Administration.

Rupert Emerson, Lend-Lease Administration.

Eugene Staley, Foreign Economic Administration.

Brig. Gen. C. F. Robinson.

Paul H. Appleby, Department of Agriculture.

Walter H. C. Laves, Bureau of the Budget.

Harry D. White, U. S. Treasury Department.

Walter Sharp, College of the City of New York.

Louis Brownlow, Public Administration Clearing House.

Adolf A. Berle, Department of State.

PUBLIC PERSONNEL AFTER THE WAR

Chairman: Luther Evans, Library of Congress.

Arthur Flemming, Civil Service Commission.

Kenneth Warner, Foreign Economic Administration.

Floyd Reeves, University of Chicago.

Lt. Comdr. James M. Mitchell (formerly Civil Service Assembly).

John McDiarmid, Civil Service Commission.

Samuel May, University of California (Berkeley).

THE STRUCTURE OF POST-WAR AMERICAN BUSINESS

Chairman: W. H. S. Stevens, Washington, D. C.

Theodore N. Beckman, Ohio State University—"Large and Small Business After the War."

Theodore O. Yntema, University of Chicago—"Full Employment in a Private Enterprise System."

Julius Hirsch, New York City—"Facts and Fantasies Concerning Full Employment."

Discussion: Edwin G. Nourse, Brookings Institution; Sumner H. Slichter, Harvard University; Chalmers Hamill, Anti-Trust Division, Department of Justice; J. Raymond Walsh, Congress of Industrial Organizations.

LUNCHEON MEETING

Chairman: Roscoe Martin, University of Alabama.

Congressman Robert Ramspeck—"The Responsibility of Bureaucracy to the People."

JUDICIAL CONTROL OF ADMINISTRATION

Chairman: Charles Hyneman, War Department.

Carl McFarland, Secretary, American Bar Association's Conference on Administrative Law—"Limitations Upon Judicial Review Other than those Respecting Questions of Fact."

Charles Collier, George Washington University—"Limitations upon Judicial Review of Issues of Fact."

Kenneth Cole, University of Washington—"Judicial Limitations on Wartime Administrative Authority."

Discussion: F. F. Blachly, Brookings Institution; Avery Leiserson, Bureau of the Budget.

CIVIL LIBERTIES IN WARTIME

Chairman: Harold W. Stoke, University of Wisconsin.

Max Lerner, Williams College—"The Police State and the Myth of Encirclement."

Benjamin F. Wright, Harvard University—"How Much Civil Liberty?"

Victor W. Rotnem, Civil Rights Section, Department of Justice—"The Constitutional Right to Ingress to or Egress from a State."

Discussion: Thomas M. Cooley, II, Department of Justice; James Fesler, War Production Board.

THE IMPLEMENTAL ASPECTS OF PUBLIC FINANCE (SECOND SESSION)

Chairman: Sumner H. Slichter, Harvard University.

Carl Shoup, Columbia University—"The Future Federal Interest Charge in Relation to National Production and Taxable Capacity."

Simeon E. Leland, University of Chicago—"The Management of the Public Debt After the War."

Discussion: A. P. Lerner, New School for Social Research; Simon Kuznets, War Production Board; Dan T. Smith, Harvard University; Lawrence Seltzer, Wayne University.

POST-WAR LABOR PROBLEMS

Chairman: William M. Leiserson, National Mediation Board.

Carroll R. Daugherty, War Labor Board—"Union Policies and Leadership After the War."

George W. Taylor, Chairman, War Labor Board—"Wage Regulation in Post-War America."

Lewis L. Lorwin, Washington, D. C.—"Labor's Post-War International Organization."

Discussion: David Kaplan, International Brotherhood of Teamsters; D. A. McCabe, Princeton University; Ernesto Garzala, Pan-American Union; Robert J. Watt, American Federation of Labor.

BUSINESS MEETING, AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

BUFFET SUPPER, AMERICAN POLITICAL SCIENCE ASSOCIATION

BUSINESS MEETING, AMERICAN POLITICAL SCIENCE ASSOCIATION

PRESIDENTIAL ADDRESSES

Chairman: Frederic A. Ogg, University of Wisconsin.

Robert E. Cushman, President, American Political Science Association—"Civil Liberty After the War."

Louis Brownlow, President, American Society for Public Administration—"Public Administration in the Post-War Period."

Sunday, January 23

INTERNATIONAL POLICING

Chairman: Quincy Wright, University of Chicago.

Leaders: Senator Joseph H. Ball; Arthur O. Lovejoy, Universities Committee on Post-War International Problems.

Discussion: Grayson Kirk, Yale University; Ely Culbertson, New York City; Payson Wild, Harvard University; Theodore P. Wright, Director, Aircraft Resources Control Office.

A FEDERAL SOLUTION FOR EUROPE

Chairman: Arnold J. Zurcher, New York University.

Arnold Brecht, New School for Social Research.

Count R. N. Coudenhove-Kalergi, New York University.

Senator Elbert D. Thomas.

Egon Ranshofen-Wertheimer, American University.

Feliks Gross, Central and Eastern European Planning Board.

TREATY-MAKING

Chairman: Edwin Borchard, Yale University.

Leaders: Senator John A. Danaher; Denna Fleming, Vanderbilt University; Walter F. Dodd, Chicago, Ill.

Discussion: David Levitan; H. M. Clokie, University of Manitoba.

POST-WAR DOMESTIC MONETARY PROBLEMS

Chairman: Edward S. Mason, Office of Strategic Services.

C. R. Whittlesey, University of Pennsylvania—"Problems of Our Post-War Monetary and Banking System."

Karl R. Bopp, Federal Reserve Bank, Philadelphia—"The War and the Future of Central Banking."

Discussion: John K. Langum, Federal Reserve Bank, Chicago; Lawrence Saltzer, Wayne University.

ECONOMIC THEORY IN RELATION TO THE LONG-RUN POST-WAR SITUATION

Chairman: Albert G. Hart, United States Treasury Department.

Z. C. Dickinson, University of Michigan—"The Problem of Incentive in a Regulated Capitalistic Economy."

Maurice A. Copeland, War Production Board—"How Achieve Full and Stable Employment?"

Discussion: John C. Baker, Harvard University; R. A. Gordon, University of California; John H. G. Pierson, Bureau of Labor Statistics.

INTERNATIONAL TRADE

Chairman: C. F. Remer, Office of Strategic Services.

Jacob Viner, University of Chicago—"Economic Relations Between Divergent Economic Systems."

Corwin D. Edwards, Anti-Trust Division, Department of Justice—"International Cartels as Obstacles to the Regulation of International Trade."

Percy W. Bidwell, Council on Foreign Relations—"Problems of United States Commercial Policy After the War."

Discussion: Arthur Upgren, Federal Reserve Bank, Minneapolis; Eugene Staley, Washington, D. C.

LUNCHEON MEETING

Chairman: Clyde Eagleton, New York University.

Sir Arthur Salter—"From Combined War Agencies to International Administration."

REGIONAL PROBLEMS

Chairman: Kenneth Colegrove, Northwestern University.

W. L. Holland, Institute of Pacific Relations—"The Political Economy of the Pacific."

Dana Munro, Princeton University—"Our Post-War Economic Relations with Latin America."

Discussion: George Wythe, Department of Commerce; Amos Taylor, Director, Bureau of Foreign and Domestic Commerce; Harold M. Vinacke, University of Cincinnati; S. R. Chow.

THE POST-WAR LEGAL AND ECONOMIC POSITION OF AMERICAN WOMEN

Chairman: Eveline M. Burns, Washington, D. C.

Viva B. Boothe, Ohio State University—"The Post-War Gainful Employment of Women."

Mrs. Rebekah Greathouse, New Orleans, La.—"The Effect of Constitutional Equality on Working Women."

Mary Anderson, Director, Women's Bureau, Department of Labor—"The Post-War Rôle of American Women."

Discussion: From the Floor.

POST-WAR REQUIREMENTS FOR INTERNATIONAL FUNCTIONAL ORGANIZATIONS

Chairman: Walter H. C. Laves, Bureau of the Budget.

Senator Joseph H. Ball.

Senator Harold Burton.

Senator Carl A. Hatch.

Senator Lister Hill.

Congressman Walter Judd.

Arthur Sweetser, Office of War Information.

Donald C. Stone, Bureau of the Budget.

Philip C. Jessup, Columbia University.

INTERNATIONAL MONETARY PROBLEMS

Chairman: E. A. Goldenweiser, Federal Reserve Board.

John H. Williams, Harvard University—"International Monetary Plans."

Howard Ellis, University of California—"Can National and International Monetary Policies Be Reconciled?"

Discussion: Redvers Opie, British Embassy; J. W. Angell, Columbia University; Frank D. Graham, Princeton University.

SYMPOSIUM BY PAST PRESIDENTS OF THE AMERICAN ECONOMIC ASSOCIATION

Chairman: James W. Bell, Northwestern University.

Topic: "What Should Be the Relative Spheres of Private Business and Government in Our Post-War American Economy?"

The Executive Council of the American Political Science Association met in morning and afternoon sessions on January 20. The Annual Business Meeting was held after a buffet supper on Saturday evening, January 22, preceding the presidential address. In an attempt to eliminate routine details and to discuss only the principal policies of the Association, the agenda of the Business Meeting was limited to a few topics, under a plan initiated by Marshall E. Dimock, chairman of the Washington Committee. The agenda included: (1) an abbreviated report of the Managing Editor of the *REVIEW* and of the Secretary-Treasurer, (2) a report of the Committee on the *REVIEW*, (3) discussion of the reports of the Committees on Congress, on Research, and on the Social Science Research Council, and (4) the election of officers for 1944.

Besides the above-named items on the agenda of the Business Meeting, the agenda of the Executive Council included: report on the acts of the President; report of the Audit Committee; adoption of the budget for

1944; memorials; election of the Secretary-Treasurer, Assistant Secretary-Treasurer, Managing Editor of the REVIEW, and Board of Editors; report of representatives on the Social Science Research Council and on the American Council of Learned Societies; together with reports from ten standing and special Committees of the Association.

The Secretary-Treasurer reported that the membership and subscriptions of the Association on December 15, 1943, totaled 3,025. This figure, however, did not indicate an increase of membership over the 2,902 members reported in 1942. There had actually been a decline of 78 in membership during the year. The figure 3,025 was obtained by counting as members in 1943 the 201 members who were delinquent in paying their 1943 dues. Some of these members are serving in the armed forces of the United States. There were 2,739 paid-up regular and associate members and subscribers, 32 sustaining members, and 8 contributing members. Life members numbered 45. During the year 1943, there were 436 new members and 514 resignations and cancellations. This made a net loss of 78 members. These figures showed that the sharp decline in membership as described in the report of 1942 (see the REVIEW, February, 1943, pp. 113-114) had been arrested. The slowing up in membership losses was due not so much to the diminution of resignations and cancellations as to a vigorous campaign for new members. In 1940, there were 597 new members and 182 resignations and cancellations; in 1941, the new members numbered 578 and the losses, 327; in 1942, the new members were 363, and the losses 569; in 1943, the new members were 436 and the losses 514.

It was believed that in view of the totalitarian and global war, as well as the planning for the postwar era, there is more need than ever before for the study and discussion of governmental problems, both domestic and international. If the activities of the American Political Science Association are to be continued in the field of assisting in the teaching and training of young men and women for government service and in the field of public discussion of government and politics, it will be necessary to maintain the membership of the Association at least at its present level. Almost the entire revenue of the Association is received from membership dues and subscriptions to the REVIEW. Barely two hundred dollars are received each year as interest from the Trust Fund.

In view of these facts, it was held necessary a year ago to engage in a vigorous membership campaign. Conspicuous assistance in this recruitment of new members was rendered by the Washington Committee under the chairmanship of Marshall E. Dimock. Ernest S. Griffith served as chairman of a special committee to procure the nomination of new members from the personnel in all government and research agencies in the national capital. These nominations resulted in a high rate of return. At the end of the year, the campaign for new members in the District of

Columbia was about half completed. It will be continued throughout 1944.

The financial report of the Secretary-Treasurer showed that the expenditures for 1943 amounted to \$16,710.83, while the income was \$16,520.92. This meant a deficit of \$189.91. The small deficit, however, did not affect the solvency of the Association. The bank balance on December 15, 1943, was \$3,316.77, while the accounts payable amounted to only \$4.46. Throughout the year the principal activity of the Association, namely, the publication of the *REVIEW*, had been maintained at its usual high standard without appreciable reduction in size of the volume. Indeed, the principal cause for the deficit was the purchase of an unusually large supply of paper stock at a favorable price for the Association.

The expenditures for 1943 showed an outlay of \$9,243.05 for the *REVIEW*, and \$7,467.78 for the office of the Secretary-Treasurer. The latter item included a sum of \$860.00 for the Committee on Congress. The income for 1943 showed the receipt of \$13,982.02 from membership dues, \$828.84 from the sales of publications, and \$1,710.06 from other sources. Income included a gift of \$860 from Dr. Benjamin B. Wallace for the use of the Committee on Congress.

The budget of the Association for 1944, as approved by the Executive Council, calls for an expenditure of \$15,460.00 and an estimated income of \$15,464.03. The proposed expenditures include \$9,040.00 for editing and publishing the *REVIEW*, and \$6,320.00 for the expenses of the office of the Secretary-Treasurer. The estimates of revenue include \$13,825.00 to be received from membership dues, \$775.00 from sale of publications, and \$864.03 from other sources.

The assets of the Association include a bank balance of \$3,316.77 and \$1.16 in petty cash. The Trust Funds include \$8,100 in United States Treasury Bonds and \$719.14 in the Trust Fund Account. Office equipment is valued at \$213.28; paper stock for the *REVIEW* at \$669.65; and the estimated capitalization of the *REVIEW* at \$8,000.00; making a total of \$8,882.93. Accounts receivable were \$133.44 and accounts payable \$4.46, leaving a balance of \$128.98. The securities held in the First National Bank of Evanston and comprising the Trust Fund of the Association include: 3% U. S. Treasury Bonds of 1951-1955 with par value of \$1,500; 2½% U. S. Treasury Bonds of 1955-1960 with par value of \$800; 2½% U. S. Treasury Bonds of 1958-1963 with par value of \$4,800; 2½% U. S. Treasury Bonds of 1937-1972 with par value of \$500; 2½% U. S. Treasury Bonds of 1964-1969 with par value of \$500—making a total of \$8,100.

The audit of the Association's books was made on December 23, 1943, by Frank E. Kohler and Company (1 La Salle Street, Chicago, Illinois). The Committee on Audit, composed of Messrs. Leonard D. White and John D. Larkin, reported as follows: "We have examined the accounts of the Secretary-Treasurer of the American Political Science Association and have approved the audit report prepared by Frank E. Kohler and

Company which is attached hereto. We found the statement of accounts as prepared by the Secretary-Treasurer to be correct. The financial condition of the Association during the current year has been satisfactory, with receipts of \$16,520.92 and disbursements of \$16,710.83. The excess of expenditures over income was \$189.91. At the same time, there has been no serious curtailment in the size or expense involved in the publication of the REVIEW. The loss of memberships has been largely due to enlistments in the armed services. The Committee finds that this represents no serious blow to the Association's financial position. The special Committee on Congress has submitted a detailed report of its expenses during the preceding year, with receipts of \$860.00 and disbursements of \$683.23, leaving a balance on hand December fifteenth in the sum of \$176.77. The Committee discussed the problem of delinquent members, as to an appropriate time for dropping them from our rolls. We recommend that at the end of one year memberships be canceled if current dues have not been paid."

The report of the Committee on Audit was accepted and its recommendation approved. The report of the Secretary-Treasurer was also approved and the budget adopted. The Executive Council instructed the Secretary-Treasurer to arrange for the editing and publishing of a *Directory of the American Political Science Association*, giving professional data regarding its members. For this purpose, if necessary, the Secretary was instructed to borrow from the cash on hand in the Trust Funds a sum not greater than one thousand dollars, to be repaid at three per cent interest out of monies received from the sale of copies of the *Directory*. The Secretary-Treasurer was also instructed by the Executive Council to arrange with the Managing Editor and the George Banta Publishing Company for the publication of the *Directory*, if feasible, as a supplement to the REVIEW. It is expected that the publication of the *Directory* will partially meet the need for the Personnel Service, and will assist the Secretary-Treasurer in meeting inquiries of the appointing officers of colleges, universities, research institutions, and governmental agencies for the purpose of recruiting personnel.

On motion of the Secretary-Treasurer, the members of the Executive Council stood in silent tribute to members of the Association whose death occurred during the year. In accord with recent practice, memorials in honor of several of these members had been published in the REVIEW shortly after their death, rather than held for presentation at the annual meeting.

The Executive Council reappointed Frederic A. Ogg Managing Editor of the REVIEW for a three-year term. It also reappointed Kenneth Colegrove Secretary-Treasurer and Harvey Walker Assistant Secretary-Treasurer for three-year terms. The President announced the appoint-

ment of Charles E. Merriam as representative of the Association on the Social Science Research Council for the term 1944-1946.

The report of Frederic A. Ogg, Managing Editor of the *REVIEW*, showed that Volume XXXVII (1943) contained 1,160 pages, of which 192 pages were devoted to leading articles. The departments were represented as follows: (1) American Government and Politics, 157 pages; (2) Constitutional Law, 46; (3) Public Administration, 25; (4) Local Government, 11; (5) Municipal Affairs, 14; (6) Foreign Government and Politics, 13; (7) International Affairs, 146; (8) Instruction and Research, 16; (9) News and Notes, 70; (10) Book Reviews and Notices, 267; and (11) Recent Publications of Political Interest, 167. Special features included 6 pages devoted to the Constitution of the American Political Science Association, 15 pages to the List of Doctoral Dissertations in Preparation, and 19 pages to the Index.

The Managing Editor also stated:

"As is well known, an immense amount of investigation, including a good deal of serious research, has been, and is being, carried on in Washington by political scientists who are there permanently and also by the even larger number working there more or less temporarily during the war years. In the course of the past summer, a group of our younger Washington members prepared a memorandum—designed in the first instance for the use of the Association's special committee on the *REVIEW*—in which were offered numerous suggestions of subjects and topics on which it would be desirable that the *REVIEW* publish articles or other materials. This memorandum came into my hands, and has been exceedingly helpful. Arrangements have already been made for several of the articles proposed, and negotiations for others are in progress.

"There are, however, difficulties. One of them is that a large proportion of the men whose personal experience and contacts fit them preëminently for contributing articles coming directly out of the studies referred to are not free—at least not now—to write and publish. Later on they may be differently situated; but not yet. A second difficulty is that of persuading those who might write that they can find the time in which to do it. In other words, there are many people with suggestions (often excellent), but few prepared to commit themselves actually to produce. A third difficulty is that some of the things proposed would, if obtainable, be so space-consuming as to raise serious problems for a journal mortgaged as heavily as is the *REVIEW* to regular and permanent features which our readers presumably would not want omitted or seriously curtailed. Hence, while, as a general proposition, the *REVIEW* unquestionably should draw as heavily as possible upon the special resources referred to, too much should not be expected immediately. Every opportunity that opens up will be explored eagerly. But the sorts of materials sought will become available

only gradually. All possible coöperation is solicited in the form of information about how particularly good articles can be obtained, and especially in that of actual contribution of manuscripts. And of course this applies generally—not simply in connection with the special situation now existing in Washington.”

Clarence A. Berdahl, chairman of the Committee on the REVIEW, presented a report which is printed in full on pages 141–150 below. This report was received, its recommendations approved, and the Committee terminated. Messrs. Kenneth C. Cole, Clyde Eagleton, E. Pendleton Herring, Walter H. C. Laves, and Donald C. Stone, were appointed members of the Board of Editors for terms of one year. The Secretary-Treasurer was instructed to place on the agenda of the annual meeting of the Executive Council in 1944 the question of the size and functions of the Board of Editors.

On motion of Leonard D. White, the Executive Council instructed the President to appoint a committee to consider systematically undergraduate instruction in political science with special reference to objectives, content, methods, preparation of college and university teachers, relationships with other social sciences, and evaluation of results of instruction. In connection with this proposal, E. Pendleton Herring called attention to the new opportunity and challenge presented to the political science profession by the increasing importance of a knowledge of government for professions such as law, engineering, and social sciences, whose members are entering the public service in great numbers. Can political scientists develop teaching materials for such professional groups in the field of government, or will this instruction be left to the law professors and economics teachers? A new field of usefulness is offered our profession. If we do not meet the need, it will be met by other professions, perhaps less well prepared from the standpoint of political scientists. We cannot correctly assume that in the future the teaching of government will be left in the hands of political scientists to the extent that it has been in the past. Harvey Walker urged the need for study of programs of education for men discharged from the military forces.

William Anderson, chairman of the Committee on Endowment, asked members of the Association to seek gifts to the Trust Fund of the Association. Donations of war bonds would be gratefully received.

John E. Briggs, chairman of the Committee on Regional and Functional Societies, offered a report, with the recommendation that the American Political Science Association should: “(1) Encourage regional groups of the conference type; continue to send representatives to their annual meetings; explain the services of the American Political Science Association at regional meetings to recruit members. (2) Encourage permanent organization of round-table groups at the national meetings. Let the

political scientists who usually attend a particular round table form a continuing group, so that the annual discussion may be conducted on a progressive plan and projects of coöperative research may be instituted. Such groups should plan with the Program Committee. (3) Develop standing committees, with membership available to qualified persons, to conduct investigations in particular subjects. These might eventually take the form of subsidiary functional groups within the Association. (4) Continue the Committee on Regional and Functional Societies, particularly to cope with problems relating to the formation of new groups when normal activities are resumed and transportation facilities are less congested." The Secretary-Treasurer called attention to the fact that the budget for 1944 contains small items for the programs of the annual meetings of the Southern Political Science Association, the Mid-West Conference of Political Scientists, and the Connecticut Valley Political Science Association.

The following resolutions, drafted by a committee under the chairmanship of Herbert W. Briggs, were adopted:

"Whereas, the publications of the Department of State and, in particular, the publication of the volumes on the *Paris Peace Conference*, the volumes on *Japan, 1931-1941*, the documented edition of *Peace and War: United States Foreign Policy, 1931-1941*, Hackworth's *Digest of International Law*, and the *Department of State Bulletin*, have been of incalculable utility to political scientists, international lawyers, and historians, and through them to large groups of Army, Navy, and civilian students, and to the informed citizenry interested in preparations for the postwar world, *Therefore*,

"*Be it resolved* by the American Political Science Association: (1) That the Congress be commended for restoring the appropriations necessary for the adequate realization of the publication program; (2) That the Department of State be commended for publishing current materials of such immense importance for the development of an informed citizenry; (3) That the Congress and the Department of State be respectfully urged to expedite the publication of the *Paris Peace Conference* records, to close the fourteen-year gap in the regular *Foreign Relations* series, and to expand the current offerings in the *Department of State Bulletin*; (4) That copies of these resolutions be sent to the Secretary of State, to the Director of the Bureau of the Budget, to the chairmen of the House and Senate Committees on Appropriations, of the House Committee on Foreign Affairs, of the Senate Committee on Foreign Relations, and of the sub-committees on the State Department of the House and Senate Committees on Appropriations, and to the members of the American Political Science Association."

Another resolution, offered by V. O. Key, was adopted in the following

language: "Resolved that the American Political Science Association urges the importance of the analysis and recording of the experience of the Federal Government in discharging its responsibilities during the present war, commends the efforts currently made by the Bureau of the Budget and the war agencies to develop such accounts of war experience, and recommends the publication early after the war of such accounts and related documents, to the end that in future national emergencies the United States may build upon the lessons currently being learned, and that copies of this resolution be transmitted to the President and heads of war agencies."

Marshall E. Dimock, chairman of the Committee on Citizenship Education, presented a report that is printed on pages 150-151 below. The report was accepted, the President was authorized to appoint a standing Committee on Citizenship Education, and the Managing Editor was requested to publish the report in the REVIEW.

George B. Galloway, chairman of the Committee on Congress, indicated that twenty-two Representatives, eight Senators, and five newspaper men had been guests of the Committee at various sessions. The topics discussed at these meetings included: (1) proposals for improving legislative staff aids, (2) proposed changes in the structure of Congressional committees, (3) methods of collaboration between the legislative and executive branches; (4) Representative Dirksen's resolution (H.Res. 19) to create a select committee on Congressional reorganization, (5) revision of the seniority system and (7) the rôle of public opinion in modernizing Congress. The report concluded: "We believe that legislative reform is coming, albeit slowly. Prospective changes in the political climate and party control may facilitate it. Meanwhile, public study and discussion of criticisms and proposed remedies should help to ensure that effective reforms are ultimately adopted. If our form of government is to function efficiently in the postwar world, it will require good machinery, good men, and good-will. The postwar world will certainly require some changes in our political institutions either deliberately or hastily made. Congress will have a continuing vital rôle to play in a victorious, powerful democracy taking a leading part in international reconstruction. Its ability to play its rôle successfully will depend upon its willingness to appraise and modify, not merely its internal machinery, methods, and customs, but the whole question of its place in our scheme of government, including its relations with the Executive, on the one hand, and with the people, on the other." This report was accepted, the Committee on Congress was continued, and the Association expressed to Benjamin B. Wallace its appreciation of his generous financial support of the Committee.

Howard White, chairman of the Committee on the Social Studies, made

a progress report. The report was accepted, and the Committee was ordered continued and was requested to maintain its coöperation with the National Council of the Social Studies.

W. Reed West, chairman of the Committee on Election Statistics, offered a report commenting on the elections calendars for 1942 and 1943 published by the Bureau of the Census. The report was accepted, and the Committee was ordered continued and was requested to inform the members of the Association regarding the analyses of voting made by the Bureau of the Census.

Charles E. Hyneman, chairman of the Committee on the Army Specialized Training Program, offered the following resolution: "Resolved that the President of the Association be authorized to consider ways and means for analyzing and recording the experience of college and university relations with the Federal Government during the present war, and that he seek to have representatives of the American Political Science Association participate in any study and investigation of this subject." This resolution was adopted.

Marshall E. Dimock, chairman of the Washington Committee of Political Scientists, presented a report indicating the activities of the Committee in promoting the interests of political scientists in Washington. Among other things, the Committee had offered constructive suggestions in the procurement of articles for the *Review*. Again, the Committee undertook to canvass the various agencies for new members of the Association. "It was decided that each member of the Washington Committee should send a list of names of persons who might undertake to canvass each major agency of the Government. The course followed was to ask a person in each of the major agencies already a member to meet with two or three of his colleagues and between them to work out a list of prospective members. These lists were to be drawn chiefly from four groups as follows: (1) policy men who feel themselves custodians of the 'public interest'; these are to be found among the administrators, lawyers, and board members in the upper echelons; (2) researchers, dealing with political and governmental data, including international and foreign affairs; (3) administrators—professionals usually of lower ranks than those in Class 1 above—scientific management men, in personnel, organization, and budgeting; (4) young men and women who have had a year or more of graduate work in political science and who, but for the war, would normally be teaching or continuing graduate work or research. These will often be found among the so-called 'junior technical assistants.' The members of the Association gave most generously of their time, but in half of the agencies it was discovered that the Association apparently did not possess a single member. All told, 14 lists were received, and 11 more have been promised."

The Secretary-Treasurer called attention to the importance of the

Washington Committee during the war. The Committee has initiated the greater number of the new activities of the Association since Pearl Harbor. Again, for the last two annual meetings the chairman of the Committee has accepted sole responsibility for constructing the program, while another member of the Committee has carried the burden of making local arrangements for the meetings of 1942 and 1943. The report of the chairman of the Washington Committee was accepted and the Committee was ordered to be continued.

On motion of John M. Gaus, recommendations offered by the chairman of the Program Committee were referred to the Committee on Regional and Functional Societies for exploration and report to the Executive Council at its next annual meeting as a basis for long-time planning of programs with special reference to meetings with related societies.

Frederic A. Middlebush, chairman of the Committee on the Social Science Research Council, offered a report which will be published in the April issue of the REVIEW. The report made the following recommendations: "(1) Your Committee recommends that the Nominating Committee of the APSA submit to the president of the Association the name of the person to be nominated each year as the APSA representative on the SSRC. It is understood that this name is to be selected from the names appearing on the SSRC panel. (2) We recommend that the outgoing representative of the APSA on the SSRC submit the report on SSRC activities during the past year to the annual meeting. We further recommend that the report be given a more important place on the annual program, namely, the subject for a luncheon meeting. (3) We recommend that the Committee on Research of the APSA be directed to present at the next annual meeting a progress report on the adequacy of present research facilities in political science and on the ways and means by which they can be improved. (4) We recommend that the SSRC be requested to sponsor: (a) a survey of the research needs of the several fields represented by the cooperating associations, with special emphasis upon those which involve close interrelation with the other social groups; (b) a thorough study of the means by which the research committees or other organizations in the respective social science fields may be more closely integrated with the work of the Council. (In our opinion it would be advisable to have this survey, sponsored by the SSRC, made by a committee composed of non-council members designated by the presidents of the respective cooperating associations.) (5) We recommend that the president of the APSA appoint as one member of the APSA Committee on Research one of the political science members of the SSRC."

This report was approved with the exception of the first recommendation, which was referred to the next annual meeting of the Executive Council.

Francis W. Coker, chairman of the Committee on the Library of Political Philosophy, offered a report, copies of which will be furnished members who desire to receive the same. James Hart, chairman of the Committee on Nomination of Officers for 1944, discussed the procedure for nomination of officers of the Association. Of the some 1,800 members of the Association (not counting subscriptions), only 107 returned ballots suggesting names for nomination. In selecting officers and members of the Executive Council, the Nominating Committee attempted to secure an adequate representation of every geographical region of the United States and every field of political science.

The Committee on Nominations placed in nomination the following persons, who were duly elected as officers for the year 1944: President, Leonard D. White (University of Chicago); first vice-president, Charles G. Fenwick (Bryn Mawr College); second vice-president, Clarence A. Berdahl (University of Illinois); and third vice-president, Cullen B. Gosnell (Emory University); and members of the Executive Council for 1944-1946: Arthur W. Bromage (University of Michigan); Frederick S. Dunn (Yale University); J. A. C. Grant (University of California at Los Angeles); Charles C. Rohlfing (University of Pennsylvania); and E. E. Schattschneider (Wesleyan University).

The Association adopted resolutions expressing its appreciation of the services of Marshall E. Dimock, chairman of the Program Committee, and of W. Reed West, chairman of the Committee on Local Arrangements, in planning and carrying out the thirty-ninth annual meeting.

KENNETH COLEGROVE,
Secretary-Treasurer.

APPENDIX A

REPORT OF THE COMMITTEE ON THE AMERICAN POLITICAL SCIENCE REVIEW¹

In accordance with a suggestion made by the Managing Editor, and with action taken by the Executive Council, in December, 1941, President William Anderson appointed a committee to survey the problems of the REVIEW and to assist the Managing Editor and the Board of Editors in the solution of those problems. The committee, as finally constituted in September, 1942, consisted of Frederick F. Blachly (Brookings Institution), Ben M. Cherrington (University of Denver), Arthur N. Holcombe (Harvard University), John W. Manning (University of Kentucky), and Clarence A. Berdahl (University of Illinois), *chairman*. It made a preliminary and tentative progress report to the Executive Council during the course of the Annual Meeting in Washington in January, 1942, and

¹ Submitted by Clarence A. Berdahl, *chairman*.

was continued with the same membership by President Robert E. Cushman.

The exigencies of the war have greatly hampered the work of the Committee. It has not been possible to hold a single meeting of the full committee, nor has it been possible for any number of the Committee to meet as a group with the Managing Editor and discuss the problems of the REVIEW with him. Two meetings have been held in Washington, with one different member absent on each occasion, and to this limited extent it has been possible to exchange views within the Committee and to reach certain very general conclusions. The chairman has made use of every opportunity to discuss the REVIEW and its problems with members of the Association. In October, 1942, he met with a group in Chicago, including some of the officers of the Association and particularly the chairman and some members of the committee on the Association's constitution; in November, 1942, he met for several hours with a small group of colleagues in Charlottesville; in May, 1943, he had a luncheon conference with about a dozen of the younger members of the so-called Washington Group, all of them in active government service, and some of whom later submitted a memorandum of helpful comments and suggestions; in June, 1943, he attended a two-day conference in Chicago at which considerable attention was given to the REVIEW; he has discussed the REVIEW with numerous individuals and groups in Washington; and he has particularly conferred on several occasions with the Managing Editor and with the Secretary-Treasurer, both of whom have also been most coöperative in furnishing reports and other pertinent materials with respect to the REVIEW.

The Committee has, however, had to conduct its studies largely by correspondence, and a very heavy correspondence has been carried on, between the members of the Committee, with the Managing Editor, with officers of the Association, and with numerous members. It did not seem possible to circularize the entire membership of the Association, but the views, criticisms, and suggestions of members were invited through the pages of the REVIEW, and personal letters were written to a considerable number of members selected to represent different sections, institutions, fields of interest, age-groups, etc. These individuals were in turn particularly urged to discuss the problems of the REVIEW with other members in their departments or sections, and send the Committee both their individual and their group views. The response was gratifying, and the Committee believes that it has in these various ways secured a reasonably representative expression of feeling about the REVIEW from the general membership of the Association.

That feeling is clearly one of general satisfaction with the REVIEW. There are individuals who dislike and would throw out this or that feature, such as the bibliographical section, or the notes on Congress, or the re-

views of constitutional law, or the summaries of legislation, or the occasional summary articles on local government; but the omission of any of these special features would immediately bring vigorous criticism from a much larger number. There are some who want more attention to political theory or to administration, while others want less; some want the leading articles written by the older and more experienced veterans in the field, while others want more opportunity for expression and recognition extended to the younger scholars; some want fewer and longer book reviews, others want a wider distribution of books for review and shorter and snappier reviews; some think too many of the articles are shallow, unrelated to the current realities of government, and even badly written, while others feel in general as does one of our most prominent historians, who wrote about a recent article in the REVIEW as "another example of the alertness and up-to-dateness of the political scientists in their mastery of current governmental problems"; some want a brighter cover and a different format, while others prefer things as they are even in these respects.

In a very few cases, the criticism has been both general and sharp, but these criticisms, whether general or particular, apparently represent a very small minority, and a minority which cannot possibly be identified as "the younger group" or "government group," or any other particular group. It is the considered judgment of the committee that the REVIEW is generally satisfactory to the overwhelming majority in the Association, and that any radical change in either content or format would be resisted by a considerable number. Particularly impressive is the extent to which members in the military service have written, quite voluntarily, to express their special appreciation of the REVIEW during their separation from the profession of political science. This general viewpoint is well indicated by the following statement made by one of our more critical members: "I have talked with my colleagues about the REVIEW, and there really isn't much criticism from here. In fact, none of us sees very much wrong with it as it stands. I have an idea that some people feel it should be 'brightened up' a bit, but, when one gets down to cases, I doubt whether he would find any good way to do this without embarking on a sort of journalism which I think we should avoid. I have long thought that perhaps the cover could be a little less drab and forbidding, but that, after all, is a minor criticism. It seems to us here that Ogg has done a good job both from the point of view of the distribution of the contents among the various fields and in the various specialized departments. If the 'upward and onward' boys want him or any other editor to ride a hobby or go tilting after windmills, I think they should be stopped. If the REVIEW is 'dull,' it is because it has to deal with some dull subjects to cover the field. And, of course, what is dull is a matter of taste. . . . Sometimes I have a feeling that the

REVIEW is a bit on the stodgy, 'theoretical' side, but I suspect that a survey of its contents over any extended period of time would prove my impression wrong. So our suggestions here simmer down to putting it in a blue or a pink or an orange cover and then going on much as at present!"

The Committee agrees that the REVIEW has been maintained as an exceptionally well balanced publication throughout the years, something amply demonstrated by the annual reports of the Managing Editor as well as by the most cursory examination of the REVIEW's contents over a period of years, and this no doubt explains the general satisfaction of the membership. This balance between the various interests of our field should by all means be continued, but its necessity also introduces at once certain problems and difficulties and limitations, particularly in view of the growth during more recent years of specialized journals in international law, in municipal government, in administration, in public opinion, in theory, that tend to draw off good manuscripts in those fields. Under the circumstances, it seems to the committee that the Managing Editor has preserved the balance remarkably well, with articles of reasonably high quality in all fields, and that the REVIEW can certainly be favorably compared with similar professional journals in the related disciplines. The recent development of symposia represents a skillful adaptation by the Managing Editor of this necessity for a balanced publication toward a somewhat more solid analysis of particular problems. It is a development to be warmly commended.

The more particular problems to which the Committee has devoted some attention, in addition to the general nature and contents of the REVIEW, are the general position of the Managing Editor, the nature and functions of the Board of Editors and its relations to the Managing Editor, and the matter of departmentalization. It may be noted, with respect to the first point, that the position of the Managing Editor, heretofore governed only by certain traditional practices, has been given express recognition in the new constitution of the Association and the tenure changed from indefinite to a fixed term of three years. This does not, and should not, preclude reflection, and it would seem wise to maintain, so far as possible, the tradition of infrequent change.

The Board of Editors is also now given constitutional recognition, but the details of its composition are left to the Executive Council. This seems to the Committee a sound provision, since it makes possible a flexible policy adjusted to changing developments. It leaves open the question whether the Board of Editors should be large or small, and what should be the precise character of its functions. If the Board of Editors is large, as it has become, it cannot easily be of real or active editorial assistance to the Managing Editor, and its function will have to be that of affording representation to the different interests and sections within the Associa-

tion, and passing upon questions of general policy. A small Board of Editors, which many desire, could not be maintained on this representative basis, would probably tend to become relatively permanent or long-term in its membership, but might be a means of genuine assistance to the Managing Editor in soliciting, reading, and arranging for the publication of manuscripts, and in other editorial duties. The Committee is fully aware of the strenuous burden now imposed upon the Managing Editor, and of the utterly inadequate compensation or assistance afforded him. It feels strongly that relief should be provided, but it doubts that this can best be done through a radical change in the nature and composition of the Board of Editors. The present Board is more divided on that point than on any other, and it may be questioned whether the members of the Association are yet ready to abandon the representative type of Board for one that would be essentially professional; it may be questioned whether the division of responsibility involved in such a working Board might not increase the difficulties of the Managing Editor instead of easing them. The Committee does feel, however, that if the larger Board of Editors is retained, provision should somehow be made for occasional meetings with the Managing Editor, in order that questions of broad editorial policy might be discussed and determined, and ways and means of assistance by the Board or its individual members be fully canvassed. It is by no means the fault of the Managing Editor that this has not been sufficiently done in the past; in fact, he has held many such conferences during the course of the Annual Meeting, at his own expense; the difficulty is due entirely to the lack of funds.

The matter of departmentalization of the Review to some extent raises questions similar to those involved in the relationship between the Managing Editor and the Board of Editors. Members of the Board of Editors might be used as department editors, but whether members of the Board or not, the use of department editors and the further departmentalization of the contents are as likely to increase as to decrease the difficulties of the Managing Editor. If departmentalization means merely a classification of contents by subject-matter, and a classification not too rigidly maintained, that is quite useful to the reader; if it means using department editors familiar with the field involved and responsible for the production of good manuscripts, but always subject to the Managing Editor's decision with respect to publication, it may be of real assistance to the Managing Editor; but if it means more than this, and the balance of authority is always difficult to maintain, it may well involve additional problems of space, commitment to and priority of publication, appropriate recognition of diverse interests, etc.

The Committee feels that about all it can do is to call attention to these various problems, and to suggest that they are continuous problems for

which no simple solution seems possible, but whose continuous examination and reexamination is necessary. It is, and should be, the function of the Managing Editor and the Board of Editors to deal with these problems, always keeping in mind the views and interests of the members of the Association, to whom the REVIEW belongs. It is for the Association to choose a Managing Editor in whom it has confidence, give him a relatively free hand in association with the Board of Editors to determine the details of editorial policy and management, criticize him freely, give him suggestions still more freely, and in particular see that he is supplied with manuscripts of high quality. No Managing Editor can produce a REVIEW by himself alone, but the Association can well take pride in the Editors it has had the good sense to choose and in the journal that has been published through the joint efforts of these Editors and of the members. The journal can be improved in many respects, of course, and it is hoped that it will be continuously improved in the future as it has been in the past. A special tribute is owing to the present Managing Editor, who has carried an extraordinarily heavy burden under very difficult conditions, for an unusually long period of time, at enormous sacrifice of his own time and energy, and always within a most inadequate budget.

Letter from Frederick F. Blachly (a member of the Committee) to Clarence A. Berdahl (December 7, 1942):

Many such problems [connected with the REVIEW] are those inherent in the subject of political science itself; for it is not (as is mathematics, physics, or law) a fairly unified and coherent subject, but is a grouping together of a great many subjects which, while related, are fairly separate and distinct. For instance, political parties, constitutional law, taxation, and comparative government, political theory, public administration, administrative law, the housekeeping features of government such as the budget, accounting and reporting, personnel, garbage and sewage disposal, fire prevention, police, etc., are all phases of political science, but are somewhat remotely related. Each of them may constitute such a large field that one who specializes in it has little time for much else.

This is particularly true where, as in large universities, political scientists have created many specialized courses in these various subjects, taught by persons who do almost all of their research and writing in a very limited field. As a result, one man may become a specialist in constitutional law and neither know nor care anything about parties. Another may become so immersed in historical political theory that he has no interest in personnel. Again, various persons specialize in the different units and levels of government: foreign governments, federal, state, and local governments. I find in my own work that when I am working on one of these units or levels, the problems are so many and the materials so

vast that I have little time or energy for anything except that with which I am immediately concerned.

At present, also, what we have been pleased to call political science is so tied up with economics that it is impossible to separate the two. The purpose of regulation of public utilities, for instance, is economic from one point of view, but as soon as regulation is started half a dozen or more pastures are opened up where the live-stock of political science are supposed to roam: constitutional law, administrative law, political theory, accounting and reporting, personnel, etc.

Can one magazine cater to all of these interests? Evidently those interested in special fields think that it cannot, for we have seen lately the growth of a rather wide variety of journals dealing with special phases of political science, some dozens of law journals dealing with legal aspects of the subject, the *Public Administration Review*, philosophical journals which often deal with political philosophy, the *National Municipal Review* and various journals of municipal leagues, the *Public Personnel Quarterly*, the *Public Utilities Review*, the *Journal of Comparative Legislation*, and the *Journal of Politics*, to mention only a few of them. Moreover, several local associations have established journals of one sort or another.

Several results deleterious to the POLITICAL SCIENCE REVIEW almost inevitably follow. In the first place, since it is much easier to place an article in one of these specialized reviews than in the POLITICAL SCIENCE REVIEW, there is a decided tendency for those who are working on specialized subjects to send the fruits of their labors to the magazine which they consider most likely to publish it, rather than to the REVIEW. This situation is augmented by the fact that the specialized publications welcome articles that may be much too technical for the average political scientist. Again, each specialized magazine probably knows much more intimately than does the REVIEW who is a specialist along its particular lines and what work he is doing at any given time. Often a very good article may be a by-product of actual administrative experience or of a large piece of research, and so does not require the time and energy of *de novo* work, but it may be doomed for a magazine of general interest by the fact that it is technical. My own experience as well as that of others bears out these statements.

Thus the REVIEW is being continually robbed, not only of some of the most interesting branches of political science, but also of the authors who are most capable of turning out valuable articles. But this is not all; the fields that have been taken over by specialized journals are the very fields where the great conflicts as to policy and methods rage today, where new developments are taking place, and consequently mental interest and stimulation lie. If these fields are largely taken over by specialized journals,

the REVIEW must be content with articles which, for the most part, are merely descriptive, theoretical, or historical.

There is another reason why the REVIEW does not get as many significant articles as it should. This is the bifurcated nature of the REVIEW, which attempts to act at one and the same time as a handbook for teachers and as a journal dealing broadly with political science. The handbook aspect shows itself in several standard subject-matters, such as book reviews and notices of books and publications of political interest, government publications, constitutional law of the year, recent changes in government organization, and news and notes. Although this material may be of value to teachers, it takes a great deal of space that might otherwise be devoted to large articles. This leaves only about one hundred pages per issue to be divided among perhaps a dozen specialized fields of interest. Writers cannot entertain high hopes that many of their long articles will be published by the REVIEW. This is undoubtedly one reason why many specialized periodicals have been established; but this creates a vicious circle.

I have tried to outline the difficulties of the situation as I see them. What is the solution?

If what I have said is correct, the difficulties do not lie at all with the Editor or the Board of Editors, but rather in new and general situations: a wide and expanding subject-matter, intense specialization, and perhaps the need for a manual that will keep teachers informed with the least possible exertion on their part.

Three solutions would seem possible. First, keep things as they are. If there is need for all the material in the nature of handbook stuff, either because the majority of teachers have neither the time nor the facilities at hand to get it, well and good. But if such is the case, it brings about the difficulties that I have described above: little space for writers on specialized subjects, hence establishment of new periodicals, with the result of drawing off the cream into them and leaving the REVIEW with the skimmed milk. It may well be that even if all of the space in the REVIEW were given over to general articles, the centrifugal movement could not be stopped.

The second solution would be to make the REVIEW practically nothing but a trade journal and handbook. This could readily be done by enlarging the news and notes, the book reviews and notices of publications of political interest, the notes on reorganization and summaries of congressional action, judicial action, etc. For specialized articles one would have to look elsewhere.

The third solution would be to eliminate most of the material of a handbook nature, except possibly the book reviews, and to make of the REVIEW a journal of wide political interest instead of dividing the material among several narrow specialties. It may well be argued that the time has passed

for such aids to teachers. The *Government Manual* plus the *Federal Register* certainly are a much better basis for following changes in the federal government than are the articles by Mr. Schmeckebier.¹ The official monthly checklist of government publications is readily available and is more complete than the article in the REVIEW. It might be possible to have the Library of Congress get out a monthly list of books and periodicals of political interest, which would be far more complete than that found in the REVIEW. This would give much more space for articles.

It might then be possible to analyze some of the more important problems of general interest, and to invite those who are most familiar with these problems from governmental experience or research to write articles of authority. I have been rather impressed by many articles in some journals, such as *Law and Contemporary Problems*, the *Annals*, the *Iowa Law Review*, etc., which definitely ask for special articles, usually devoting each number to one large subject. It seems to me that in this manner the political scientists might have a definite place in helping to guide public policy in a way that is impossible at present where the few small articles are divided up among the dozen specialties of political science. Nor would this be incompatible with specialization, for each large problem might well be approached through these specialists. For instance, the problem of social security may involve historical factors, problems of social and political philosophy, constitutional law, administrative law, the relationship between the nation, states, and localities, personnel, statistics, accounting and reporting, and other phases of political science.

As I go over the back numbers of the REVIEW, I can find few large contributions toward the solution of the national and international problems with which we are confronted; but rather an agglomeration of small articles, perhaps interesting and well written, but largely descriptive and not tying into anything in particular. For instance, in one number we find a variety of subjects dealing with legislation, administrative regions, state constitutional development, primary legislation, parochialism, hearings, judicial influence, selection of judges, Nazi reform, and liquidation of the German Länder—all within a little over one hundred pages. Nearly every other number has a similarly variegated assortment of articles. This fragmentation may serve the purpose of getting a good many short articles into print, but it certainly does little to contribute to an understanding of the problems with which we are confronted. I doubt whether during war conditions it is warranted.

If political scientists are to become a leading force in the solution of governmental problems through the writings in the REVIEW, the scope of the REVIEW must be redefined. I believe that the book reviews should

¹ For the reason indicated, the articles referred to were discontinued a year ago.
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be fewer, better written, and more selective, covering only first-class books. Out of every one hundred books received, perhaps twenty-five might be worth a first reading by some specialist, and ten might be worth a careful discussion. The REVIEW should devote most of its space to substantial articles, related to the special branches of political science which, after thought and discussion, the editors decide upon as representing the general rather than the special aspects of the discipline.

APPENDIX B

REPORT OF THE COMMITTEE ON CITIZENSHIP EDUCATION²

Shortly before the outbreak of World War II, our Association recognized the urgent need for action in the promotion of citizenship education by creating in October, 1941, a committee to work out a practical and realistic program in this field. The creation of this committee followed establishment of the National Citizenship Education Program by the President of the United States, the purpose of which was the encouragement of citizenship education and the unification of the efforts of all agencies interested in that work.

The Committee on Citizenship Education of the American Political Science Association explored the work of the National Citizenship Education Program, and at a general meeting in December, 1941, with Dean William F. Russell, director of the Program, worked out a six-point program of coöperation and collaboration. These six areas were outlined in detail in last year's report. Briefly, however, they provided for the appointment of a committee of political scientists to review developments in the Program and to test materials; the establishment of a channel of review, advice, and consultation by scholars in the field; preparation of special material by political scientists and the fostering of local promotion activities; and teaching assistance and briefing of articles by outstanding men in specialized fields.

The Program made notable progress, and classes in citizenship education spread throughout the United States, enlarging activities previously in existence and initiating new programs elsewhere.

By the end of 1942, one of the coöperating agencies in the Program, the WPA, no longer existed as an operating part of the National Citizenship Education Program, but by that time the Immigration and Naturalization Service had developed its participation in the Program. The plan, with the full aid of the public schools, developed a permanent, long-range program of citizenship education.

The Program today is a vital and active one, and part of its success and accomplishments may be measured by the materials developed. Some

² Submitted by Marshall E. Dimock, *chairman*.

of these materials were written prior to the creation of the National Citizenship Education Program as such, but all are a part of the basic education-for-citizenship principle to which various groups—political scientists, public school authorities, social service groups, government agencies, and others—have long subscribed.

Under the "Constitution and Government" series is a textbook for advanced students—"Our Constitution and Government"—prepared by Dr. Catheryn Seckler-Hudson. A simplified edition followed this, written by Dr. John G. Hervey.

The National Citizenship Education Program made arrangements also to issue as a part of the "Constitution and Government" series the books, "On the Way to Democracy," which had been published under the direction of the University of Chicago. Also published is a second group of that series, "The Rights of the People," in three parts, with a teacher's edition.

Two basic groups of literacy readers (preliminary study to the Government series) also have been developed—"The Day Family" and "The Gardeners Become Citizens." These are for beginning adults. "Aids for Citizenship Teachers" is a handbook on problems for the teacher of citizenship education.

One of the most interesting sections of the Program is that devoted to a better understanding of the concept of democracy, out of which has grown the "American Democracy" series. Two pamphlets, "What We Have In America," by David Cushman Coyle, and "This Democracy of Ours," by Thomas H. Briggs, have been published.

One of the outstanding achievements of the Program this past year has been the development of a "Home Study" series. Because the factors of time, home conditions, and location prevent class attendance in many cases, there has been developed a course for home study. It covers the fields necessary for preparation for functioning citizenship. Dr. Henry Hazard, of the Immigration and Naturalization Service, and a member of this Association, is in charge of the citizenship education work within the jurisdiction of the Service. He is ably assisted by Dr. Glenn Kendall, formerly of Teachers College. Dean William F. Russell, of Teachers College, still serves as a part-time consultant. It is not too much to claim that the citizenship education program is now fully established, that it operates in every state, and that it has helped to create a new awareness of the importance to the nation of a sustained and integrated program of citizenship education.

APPENDIX C

REPORT OF THE COMMITTEE ON RESEARCH¹

The Research Committee of the American Political Science Association has now completed two years of activity. Its work has necessarily been

¹ Submitted by Ernest S. Griffith, *chairman*.

limited by the exigencies of the war. The war has not only severely limited the time which the members of the Association can give to research, but has also drastically curtailed attendance at the annual meetings. Nevertheless, the Committee is able to report definite progress.

The most important part of the Committee's work has been the development of panels among the members of the Association designed to survey the strategy of research in major fields of interest. In order to understand what is involved, a brief summary of the panel technique is in order. Fields first selected were Comparative Government, Political Theory, Public Law, and the Rôle of the United States in the Post-War World. Recently it has been decided to add panels on Political Communications, Representative Government and the Legislative Process, and State, Local, and Municipal Government. Panels in certain other fields are contemplated also.

Once a field is selected, a convener of the panel is chosen. His function is to secure coöperation through membership on the panel of as many as possible of those members of the Association who have made significant research contributions to the field under discussion. Correspondence is invited designed to elicit the judgment of the panel members concerning those broad areas within the field which demand major attention of researchers. The results of such correspondence are then circulated among those accepting membership on the panel, together with such comment and interpretation as the convener may wish to add. Some additional correspondence may then take place in order to sharpen the issues revealed, and prepare the agenda for a conference. Such a conference is then scheduled, and sessions are extended sufficiently to permit a meeting of minds. Two days have been found to be required for this. The conference discussion, together with the earlier correspondence, is made the basis of a report drawn up by the convener. The report outlines the present thinking of the participating members of the profession as to the architecture of research and penetrating thought which the field seems to require for its development. One or more continuation committees are then formed to explore the possibility of implementing the judgment of the panel. Thus far, two of the panels, those on Comparative Government and Political Theory, have completed the stages of correspondence, conference, and report. The expense of their conferences was generously assumed by the Committee on Government of the Social Science Research Council. The sessions of both panels were held in Washington. Participation was active and vigorous. The participants included adequate representation both of the "established" authorities in the field and of the emerging scholars among the younger men.

Inasmuch as these two panels have both made extensive reports to

the Association,⁴ it is unnecessary to do more at this point than to call attention to the general opinion expressed by their members to the effect that the panel's activity should not stop with the issuance of a report, but should be continued as an important part of the Association's program. Whether such continuance should be under the auspices of the Research Committee or in an even more autonomous rôle is a question of policy to be decided presumably by the Executive Council of the Association. In any event, the panel technique has demonstrated a vitality which bids fair to earn a place for itself in the future development of the Association. Very great credit belongs to Karl Loewenstein and Francis Wilson, the conveners of the aforesaid panels, for the stimulating leadership and hard work which aided so much in bringing about these results.

The other three panels have proceeded less far. The one on Public Law (Carl Swisher, convener) has virtually completed the stage of correspondence and is awaiting a favorable time for securing the attendance of its members at a conference. The panel on The Rôle of the United States in the Post-War World (Phillips Bradley, convener) held an open session at the 1943 annual meeting of the Association, and correspondence is in progress. However, it is possible that prior activity of other organizations in this particular field may limit somewhat the usefulness of a separate report on the subject under Research Committee auspices. The panel on Political Communications is still in the blue-print stage. The majority of our outstanding scholars in this particular field are involved in exacting war work, and in all probability little or nothing will be done until the burden of this work has been lightened. However, there is a lively interest in its subject-matter, and the Research Committee believes that this panel should be organized as soon as feasible. Participation on the part of psychologists will also be invited.

Two other activities of the Research Committee deserve mention.

In the report of the Association's Committee on Wartime Services, the challenge was issued to the profession to abandon its customary individualism and concentrate its research upon the existing crisis. The Committee on Research, recognizing merit in this point of view, invited an expression of opinion of a number of members of the Association at present located in Washington as to priorities of research as affected by the war and postwar needs. In pursuance of this project, the chairman of the Committee consulted about twenty-five of our members actively engaged in the war effort, on the assumption that the judgment of these members would be peculiarly valuable. Their views were summarized in a report which appeared in the June, 1943, number of the REVIEW.

The Research Committee, while regarding the development of panels

⁴ In one form or another, these reports will appear in the REVIEW. MAN. ED.

as its primary function, has given some attention also to facilities and tools for research. In this connection, it recommended to President Cushman the appointment of a liaison man between the Association and the libraries of Washington. To our gratification, William Anderson was the man appointed, and he has agreed to undertake this particular responsibility. He has already held conferences with members of the Library of Congress staff on the matter. He has also been appointed an Associate Fellow of the Library of Congress, in which capacity he will make recommendations to the Library as to its acquisitions policy in the field of political science. This will put him in a strategic position to facilitate the building up of the Library collections so as to be of maximum service to researchers in political science and related fields. In addition, he is in a position to facilitate the issuance of bibliographies and other aids to research on the part of the Library.

The Research Committee believes that the results thus far justify the continuance of its activities as part of the program of the Association. The panel technique in the particular fashion in which it has developed is new to the Association, but it has already shown very considerable effectiveness. Considerable doubt was expressed at the time of its formation as to whether a research committee of a professional association could really accomplish much in the absence of funds to subsidize actual research projects. It is probably not too much to say that these doubts are being resolved. The program of such a committee must necessarily proceed at a tempered pace, but this very slowness may prove to be an asset if the results are the sounder thereby. The field of political science was never more important than today when governance is gathering a major share of human activity into its orbit. It is not the least of the responsibilities of our professional association to play a worthy part in stimulating and guiding the research that is imperative if such governance is to bear the stamp of intelligence and statesmanship.

BOOK REVIEWS AND NOTICES

American Constitutional Development. BY CARL BRENT SWISHER. (Boston: Houghton Mifflin Company. 1943. Pp. xii, 1079. \$4.50.)

This volume constitutes an historical account of the operation of the national government under the constitution of the United States, and is based upon the correct view that "judicial decisions alone provide an inadequate basis for an understanding of constitutional development." It deals with substantially all of the decisions of the United States Supreme Court construing the constitution, and discusses also political problems presenting themselves to Congress and to the President upon constitutional issues, and traces the development of the federal administrative organization. In scope and character, the volume is not strictly comparable with others in these fields, and it should prove of distinct service. On the whole, it is well done; the authorities have been consulted and cited fully; and it is accurate. The printer's work is also well done, and the reviewer discovered only one typographical error.

Following the above statement of the high value of the volume, comments may now be offered regarding improvements which may be made in a second edition.

With respect to the colonial and-state background of the Convention of 1787, the author does little; nor does he cite the valuable contributions of Evarts B. Greene in the colonial field, or Nevins' work on *The American States During and After the Revolution*. With reference to English efforts in the field of written constitutions, it may be of value to refer to Pease's work on the Leveller movement. In other places also, as with reference to Aaron Burr, the reader should be led to the more thorough discussions. However, few desired citations are omitted, although the use of those that are cited would be much aided by the repetition of a title instead of the use of *op. cit.*, which often sends the reader upon a search throughout the volume.

The chronological analysis of developments from 1789 to 1943 necessarily involves a piecemeal discussion of the same topics in chapters throughout the volume. In most such cases, the author has referred to the other chapter or chapters in a footnote, but there is inconvenience in searching through the other chapters. Page references are more difficult to make, but would help the reader. Not only would more complete cross-references be helpful, but there could be a better correlation of the discussions of the same topics in different chapters.

As the author comes nearer home, he shows more of a personal view, and does less weighing of the facts. The so-called conservatives are treated somewhat rudely. Van Devanter receives a more or less definite label, although he contributed materially to the expansion of the commerce

clause and to the efficient administration of the Court. Sutherland is given little credit for liberality with respect to zoning, foreign affairs, and other matters. Holmes' conservative views on certain matters are little referred to; and the unanimous decisions of conservatives and liberals receive little emphasis. Differences in point of view as to social and economic policy did exist, but there appears to be an unintentional exaggeration of attitude upon the part of certain judges. A general classification of judges is made, and there is too much effort to make them fit into the classification. Although somewhat in sympathy with much that has been done by the so-called "liberals," the author of this review feels that too little credit has been given to those whose views may in some respects have been different.

WALTER F. DODD.

Chicago, Illinois.

Current American Government. BY L. VAUGHAN HOWARD AND HUGH A. BONE. (New York: The Appleton-Century Company. 1943. Pp. vii, 357. \$2.75.)

The volume under review is the joint product of Professors L. Vaughan Howard, of the University of Maryland, and Hugh A. Bone, of Queens College; in addition, they as authors have had the assistance of Dr. J. A. Kitchin, now a commissioned officer in the United States Marine Corps. However, the direct authorship of the latter is restricted to Chapter VIII, dealing with alien enemies and alien property.

As is frankly announced in the preface, the purpose of the book is to describe the principal developments which the war has brought about in the American system of government. Manifestly, such a project is fraught with difficulty for the authors, and suggests mixed reactions for the reviewer. The theme is broad and varying; the *allegretto* of the pace of life rules out to a large degree all contemplative and meditative appraisal and evaluation. A reviewer approaches such a work suspiciously, fearing to find either a hastily compiled collection of available documentary materials, loosely connected by running commentaries, or else a treatment thinly spread over a multitude of subjects.

However, such is not the case with Howard and Bone's *Current American Government*. Within its pages can be found a balanced and interesting presentation of various phases of contemporary American government, ranging from the transition from legally pronounced official neutrality to full-scale war and an excursion into the field of postwar planning. Between these extremes fall chapters on such topics as the presidency, administrative reorganization, federal service, Congress, political parties and pressure groups, civil liberties and information, alien enemies and alien property, wartime finance, industrial and labor problems, military

policy and organization, and intergovernmental relations, federal, state, and local. In point of time, these topical treatments focus sharply on the days since 1940; although where necessary the historical background is knitted closely to the contemporary presentations.

In style, the work is satisfactory; clarity is maintained throughout. The temper of the work is restrained and objective; a high degree of dispassion and impartiality pervades the volume and emanates in a remarkably fair treatment of topics necessarily subject to future critical survey and evaluation, inviting controversy. From the standpoint of scholarship, the work is to be commended; panegyric and diatribe are alike alien to the treatment, and the urge toward objectivity leaves open the door to later judgment on numerous points where one might wish the authors had amplified their cautiously phrased generalized conclusions. It might even be said that the great strength of this work lies in its attempt to be just what its title implies, *Current American Government*. Carefully appraised, the topical treatment of each subject varies directly with the clarity and simplicity, the variations and complexities, of the pattern with which government has dealt with each phase of the current scene.

This attempt at a faithful record of the course of government in contemporary wartime leaves the discipline of political science under a large obligation to the authors. The book is not a great one. But it is a good one, with possibilities of useful service as a reference work for some time to come, and as a text in courses in contemporary national administration. Finally, it is a joy once more to behold a book accoutered with footnote citations and an adequate index.

CHARLES W. SHULL.

Wayne University.

The Philosophy of American Democracy. EDITED BY CHARNER M. PERRY.
(Chicago: University of Chicago Press. 1943. Pp. xv, 152. \$2.00.)

Of these five Walgreen Foundation lectures, the first and the last, by T. V. Smith, deal with Thomas Paine and Justice Holmes, respectively. Professor Smith develops the contrast between Paine, "the model revolutionary," whose uncompromising romantic notion of democracy would have unfitted him for the task of saving the American revolution he did so much to make, and Holmes, the "latter-day aristocrat," "the apostle of a discipline which alone can save democracy from the decadence of romanticism" (pp. 119-120). Professor Smith's sensitive appreciations do equal justice to the burning conviction of the revolutionary and the cool tolerance of the agnostic evolutionary.

Dean C. H. Faust's inquiry into the rhetorical devices used by the Federalists to secure adoption of the Constitution underlines their insistence that the Constitution satisfied simultaneously the demands of the gen-

erally accepted principles of government and the needs of differing interests. Their argument, he shows, was not that "selfish interests will be held in check by disinterested majority opinion," but that "in a properly constructed government the public good emerges out of a conflict of interests" (p. 52). Thus they "elevated the conflict of interests to a principle of government" (p. 51).

In two lectures on "The Meaning of Freedom" and "The Ideal of Freedom," Professor Frank H. Knight argues that freedom is necessarily a negative concept denoting the absence of coercion; that the familiar distinction between "negative" and "positive" freedom is merely confusing, since "positive" freedom includes the idea of power to act in that of freedom to act; that a sense of unfreedom in economic relations arises from failure to comprehend the degree of stable organization necessary for economic efficiency and the impersonal, objective operation of free market competition; that economic organization cannot be made more free "through replacing business with politics, as planners and reformers advocate" (p. 113); and that the problem of unfreedom is largely a problem of education. Professor Knight is willing to speak of "formal" and "effective" freedom, however; he sees as the most serious obstacle to the realization of "effective" freedom an inherent tendency in our economic organization toward the cumulative increase of inequality. In general, he deplores the popular "romantic" thinking which disregards questions of the possibility or cost of achieving desired ends; he is pained by the loose use of words which appears, e.g., in President Roosevelt's statement of the "Four Freedoms"—a statement "so naïve that it smacks of unkindness to ask what any of these freedoms has to do with freedom, or what it means, or what are the conditions or possibilities of its realization" (p. 88).

This volume should, of course, be called "Some Aspects of the Philosophy of American Democracy." Although the approaches of the three scholars are very different, one may perhaps grant the existence of the unifying theme pointed out by Professor Perry in his Introduction: the warning against "romanticism" in democratic thinking and the assertion of the unavoidable necessity of compromising differences of convictions as well as of interests in a democratic society.

JOHN D. LEWIS.

Oberlin College.

American Political Parties; Their Natural History. BY WILFRED E. BINKLEY. (New York: Alfred A. Knopf. 1943. Pp. xi, 407. \$3.75.)

The purpose of this readable and stimulating book is, first, to explain American political parties primarily in terms of the economic and social characteristics of various interest and sectional groups, and, second, to

indicate the part played by national political leaders in integrating and in coalescing such groups into successful political organizations. The earlier and more stereotyped interpretations of party divisions as based on differences in constitutional construction or in divergent temperaments and types of mind have little significance in the "natural history" of American politics as shrewdly portrayed by Professor Binkley.

Soon after the adoption of the Constitution, it became apparent both to Federalists and to Anti-Federalists that multiple parties and *ad hoc* arrangements must yield to more stable forms of political organization. To secure and to retain power, it was necessary, therefore, to establish organized and permanent nation-wide combinations. Certain features of our federalism, especially the necessity of controlling the presidency, have been of material significance in the development of the two-party system. The recognition of the basic importance of mass-interests, chiefly of an economic character, in the formation of American political parties is stressed, but these interests, as the author makes clear, are neither static nor stratified. No particular combination can hope indefinitely to endure, despite the coherence of interests upon which the system is based. Although governmental structure, hereditary allegiance, sectionalism, organization, and ideas have institutionalized party processes, changing conditions have made necessary realignments and regroupings. The author analyzes with great skill the constituent elements of the successive party combinations which have been produced by the economic and social forces of a rapidly expanding nation. Of the traditional party groupings, the most effective yet devised has been that of the Republicans, 1868-1912. Their long era of supremacy in national politics demonstrated the formidable strength integrated in the commodity consciousness of the grain-growing areas, the job consciousness of the industrial worker, the support of business, large and small, and the assistance of ethical and sentimental factors.

To combine successfully at the polls the multiplicity of interests, issues, and opinions involved in American politics requires astute national leaders who are alert both to "the politics of the economic drift" and to the method of combining diverse interests. Professor Binkley properly devotes much attention to a consideration of the policies and expedients of the leading political chieftains from Alexander Hamilton to Franklin D. Roosevelt. Some of these leaders were able so to unite their forces as to control Congress and the office of President. Others, including Clay, Douglas (to whom somewhat belated recognition as a party leader is accorded); and Bryan, failed to create the necessary alignment of farmers, business men, and workers to win the presidency. There is an excellent account of the leadership of both Roosevelts. Not since Theodore Roosevelt has the Republican party had as a leader a "great specialist in group diplomacy"

(p. 389), capable of rallying to his support a complete cross-section of American society. The policies of Franklin D. Roosevelt, which united Southern and Western agrarians with Northern and Eastern industrial workers and consumers, seemed prior to 1942 to indicate a basic change in the character of the major parties.

The author expresses his opinions with independence and assurance, but the tone of the book is neither contentious nor opinionated. It is a careful synthesis and not a mere catalogue of parties and elections. It is, however, unfortunate that Professor Binkley's work is described by the publisher as a "new and revolutionary concept of the composition of the great American political parties." On the contrary, it is not new and it is not revolutionary. The point of view and the interpretation so skillfully presented have long been familiar to American scholars and have received wide acceptance among them.

THOMAS S. BARCLAY.

Stanford University.

The Farm Bloc. BY WESLEY McCUNE. (Garden City, New York: Doubleday, Doran and Company, Inc. 1943. Pp. 278. \$2.00.)

Wesley McCune, a member of the agricultural news staff of *Newsweek*, has written a timely volume that makes it possible better to understand the difficulties in controlling the inflationary spiral. A large portion of *The Farm Bloc* is devoted to a sprightly and up-to-date account of the personnel, structure, and lobbying techniques of the five general farm organizations and the commodity groups. This, however, is preceded by a discussion of agricultural ABCs to explain the catchwords, slogans, and nicknames of the numerous New Deal farm programs. The villains and heroes in the drama, "Faith, Hope, and Parity—and the greatest of these is Parity," are portrayed in a stirring account.

Outstanding among the Washington farm lobbyists is Charles W. Holman, of the National Coöperative Milk Producers' Federation, which is the most aggressive of the "co-ops" on the legislative front. His vigorous fight for dairymen has made Holman many enemies, "because not all on whom he must exert his pressure go in for the temper-tantrum type of influence." In the chapter "Blocked Margarine," a penetrating picture is given of the conflict between the butter and oleomargarine interests. Every effort by the slowly rallying farm friends of margarine to remove the restrictions on this product has been relentlessly fought by the butter champions even during a war period.

The National Council of Farm Coöperatives is presented as "big business" and "not a stuffy club of zealous people who think that economic coöperation is the great panacea for the world's ills." There certainly is nothing small about an organization whose business runs to about \$1,250,000,000 annually.

The National Grange, the oldest organization and undoubtedly the most conservative, takes its affairs with great seriousness. A unique fraternal organization makes it possible for women and juveniles to associate closely with the Grange's work. However, other farm organizations are paying somewhat more attention to the participation of women.

The establishment of the American Farm Bureau Federation in 1921 marked the birth of the farm bloc. The Federation early entrenched itself through the Extension Service. The AAA also leaned heavily upon the county farm bureaus. The author notes that the Federation's influence in the Department of Agriculture extended to the retirement of men personally opposed to the Farm Bureau during the anti-inflation war. But whom does this Goliath of the farm bloc represent? Its leaders reject the oft-repeated charge that the Federation is composed of the large commercial-type farmers as against the small family-type. Mr. McCune says, however: "What is more controversial and harder to prove, however, is that the Farm Bureau does not represent the *viewpoint* of commercial farmers, regardless of what its *membership* claims may be."

Among the "Big Five" is the National Farmers Union. Under the vigorous leadership of a young group of officials, notably James G. Patton, its policies generally stand out in contrast with those of other farm organizations, particularly because of the Union's sympathy with organized labor, its defense of the Farm Security Administration, and general friendliness towards New Deal policies.

In addition to the Milk Producers Federation, there are in Washington about a score of special commodity lobbyists. Chief among these are the sugar interests, with their many feuding factions. Among the "country cousins" are groups whose chief strength lies in legislative requirements that state agricultural officials cooperate with these associations. What member of Congress would fail to listen to the highest state official who works with rural voters every day that the legislators are away?

The inadequacy of consumer representation is highlighted throughout this volume. This is everywhere evidenced in the discussion of the programs and demands of the farm bloc, in Congressional and administrative acts, as well as in the attention paid to the formal governmental machinery set up to protect consumer interests. The high hopes for the Consumer Division in the National Defense Advisory Commission were not realized. Donald E. Montgomery, one-time consumers counsel in the Department of Agriculture, has described the situation: "Few consumers . . . have been able to send paid spokesmen to Washington to look after their interests. That was why consumers counsels were set up in the first place. And that is why consumers counsels have been liquidated, one by one."

By emphasizing the personalities associated with the farm bloc and the varied lobbying techniques employed by them, Mr. McCune has written a book that should have an appeal far beyond academic halls. This appeal

would not have been adversely affected in the least had the author added an index and a short selected bibliography to his very notable and important study of pressure politics.

BELLE ZELLER.

Brooklyn College:

Planning for the South; An Inquiry Into the Economics of Regionalism. By JOHN V. VANSICKLE. (Nashville: Vanderbilt Press. 1943. Pp. x, 225. \$2.75.)

The "South," or "Southern Region," considered in *Planning for the South* embraces the border states of Kentucky and Tennessee and all states usually classified as Southern except Texas. This grouping may be open to criticism when certain political, social, and "emotional" aspects are taken into account. Kentucky and Tennessee are not, in all respects, a part of the South; nor is Texas entirely outside in relation to all matters which the book discusses. Attempts to mark off regions suitable for all purposes, however, are difficult. No delimitation of a "region," which of necessity must regard political boundary lines and hence disregard important socio-economic overlappings, can be entirely satisfactory.

The book is described by its author as "a plea for regionalism" as against excessive nationalism or localism in the determination of the economic and social policies of government. It is based on the thesis "that there is no insoluble conflict between regionalism and nationalism," and that "in the long run, the welfare of the several regions of the country are interdependent and harmonious." The mutual good of the whole and of the major parts may be attained, it is contended, by what is defined as "liberal planning," which is distinguished as a "middle way" between *laissez faire* and "total" planning. It is planning that seeks to reconcile the conflicting interests of individual, group, and society and of locality, region, and nation, and its realization involves the coöperation of the national, state, and local governments, with a greater regard, however, for regional peculiarities than many of the recent national policies have seemed to embody. In this light, the many economic problems of the South as a section and as an integral part of the economic system of the United States receive careful consideration with a view to suggesting how they may best be solved in terms of consistent and coördinated national and regional planning. Resources, population difficulties, agricultural systems, and prospects for further industrialization are fully canvassed. The effects of national policies involving tariffs, transportation rates, labor, land use, housing, social security, federal aid, and other matters are critically examined.

To a large extent, then, the study is devoted to "an analysis of federal, state, and local interventions from a regional point of view." Attention is

confined to the inter-war period, with special reference to the New Deal; controls introduced by the present war are not considered. Many of these policies are found wanting so far as the South is concerned; other policies, not as yet attempted, are suggested in order to realize the type of planning the writer envisages.

The array of facts presented is impressive. Much of the criticism and many of the proposals advanced are, no doubt, sound. Matters upon which intersectional misunderstandings have arisen are handled judiciously and fairly, whether or not agreement with positions taken is possible. On the whole, the writer makes a very good case throughout, while showing due regard for opposing viewpoints. In his own words, his goal for the South "calls for a more diversified agriculture, varied and prosperous industries, a marketing organization equipped to facilitate the intra-regional exchange of the products of Southern agriculture and industry and to exchange regional surpluses for the goods and services most advantageously obtained from outside the region, a financial organization capable of providing, at economical rates, the funds for current transactions and of directing regional savings into regional opportunities, and finally a governmental organization equipped to satisfy the educational, recreational, health, and aesthetic needs of a civilized people."

O. DOUGLAS WERKS.

University of Texas.

Government, Business, and Values. BY BEARDSLEY RUMML. (New York: Harper and Brothers. 1943. Pp. 52. \$1.00.)

Government, Business, and Values contains the Baxter lectures at the University of Omaha in 1943 by Dr. Beardsley Ruml, at times psychologist, dean, merchant prince, banker, mentor of state. The topics indicated are "Government and Business" and "Government and Values"—in fifty pages. The volume deals with a wide variety of rich topics: the importance of planning; the consent of the governed as a principle both of government and of business; the characteristics of business, and of government, and their interrelations; the psychology of adjustment and significant prescriptions therefor.

Public government must have two objectives, Dr. Ruml finds. One is "to make certain that the rule-making and rule-enforcement of private enterprise is rule by consent." The other is that "business must actualize what is potential in the characteristic traits of private enterprise and must cooperate with other governments, public and private, to insure that in the exercise of its rule-making authorities the democratic value in rule by consent is preserved and strengthened" (p. 29).

Government must be cautious in setting up "formal and artificial laws and regulations that may place barriers between the individual and his

environment." Government must also protect us "from the danger which entirely free choice on the part of the individual would subject them to." In fact, in certain cases the government must intervene "to protect the individual against his own excesses." In the main, we prefer to be left alone and dislike caprice and sudden change in governmental regulation. But unless changes are made corresponding to technical advances, "wholesale reform becomes necessary."

But by now the Dean gains altitude and scans new scenes with broader vision. He sees a "human trait that organizes around us unity in diversity." This is "homefulness"—the opposite of homelessness. In the effort to preserve this quality in broad social relationship, education is helpful; national and local history are important; monuments and symbolism are useful; travel, both local and international, is significant. Religion, art, music, drama, are also helpful. And herein lies a lesson for government in dealing with the individual—a lesson in preserving the unity and integrity of the individual in the storm and stress of change, as far as possible. But before he has gone far in this fascinating excursion into the land of personality synthesis, our guide vanishes, leaving us baffled but hopeful of his return—homeless for the time being.

Sometimes there are thick books which might better be thin; sometimes there are thin books which might better be thicker. This precious little volume belongs to the latter class. Dr. Ruml ran short of paper (rationed?), perhaps, but not of ideas. Perhaps he will one day take time to make us more at home in the world of political and social relations. Read the book, but not hastily.

CHARLES E. MERRIAM.

University of Chicago.

Governmental Adjustment of Labor Disputes. BY HOWARD S. KALTENBORN. (Chicago: The Foundation Press. 1943. Pp. xiv, 327. \$3.50.)

The author of this book is chief wage analyst with the Regional War Labor Board in Detroit. He describes the various types of governmental machinery available (as of early 1943) for the adjustment of labor disputes at national, state, and local levels, and examines critically the way this machinery has functioned in practice. About half the descriptive portion is devoted to federal agencies. There are separate chapters on the United States Conciliation Service, the adjustment of labor disputes in the railroad industry, the Maritime Labor Board, the National Defense Mediation Board, and the National War Labor Board. A chapter of thirty pages discusses the situation at the state level, with special attention to New York and Massachusetts, while the rôle of local governments is disposed of in sixteen pages concerning chiefly New York City, Toledo, and Newark. In a final chapter, the major problems of mediation are set forth,

together with a series of "recommendations" applicable to the states on the one hand and the federal government on the other. The later recommendations are implemented by the author's own draft of a bill for the creation of an independent three-member non-partisan United States Mediation Board which would take over the present functions of the Conciliation Service in the Labor Department and exercise exclusive jurisdiction on the federal level as to mediation in all industries other than railroads. A forty-page appendix abstracts state labor laws governing the adjustment of labor disputes and contains brief notes upon the actual operation of these laws as observed by the author or discovered by correspondence with state administrators.

The title is perhaps too broad for the book, which is essentially a study of mediation. The author will be widely supported in his view that "mediation is the best single method of *governmental* intervention in the adjustment of labor disputes" (p. 218), yet he correctly observes that "mediation is not particularly suited to disputes involving the interpretation of application of trade agreements" (p. 219). Here the road leads to arbitration, and eventually to the settlement of a large number of disputes by adjudication. For it is probable that when the smoke of the present (domestic) battle has cleared away, the number of collective labor agreements will increase, their coverage will extend to more and more workers and industries, and their status as enforceable contracts will become more widely established. When that stage in the development of our labor law arrives, governmental agencies—perhaps special labor courts—may well assume the important task of settling justiciable controversies that arise under these contracts, thereby creating a corpus of industrial jurisprudence. The parties themselves, of course, may be foresighted enough, as in Sweden, to minimize open litigation by evolving adequate private governmental systems for the labor market. On the other hand, state intervention may eventually take the form of extensive oversight of the internal affairs of employers' and employees' associations unless these increasingly powerful enclaves develop constitutional régimes within their own bailiwicks. For the political scientist, the problem thus becomes both broader and deeper than that envisaged in the present study.

Despite these limitations, which arise in part from the fact that our system of adjusting disputes is itself as yet undeveloped, Mr. Kaltenborn's contribution is considerable. It lies partly in his constructive analysis of the process of mediation, and partly in his wise method of looking to the facts for a critique of many of the facile popular judgments about solving the problem of strikes. He does not find, for example, that strike notice requirements in state laws have been successful in settling disputes. Compulsory arbitration in Kansas and "compulsory investigation" in Colorado have not provided a solution. The confusion of arbitral and media-

torial functions within the same agency has hampered rather than helped the governmental peacemakers. Among the effective state mediation agencies, the New York Board of Mediation provides "the outstanding example" (p. 186); it has no laws to enforce, no arbitrary authority, and no orders to issue. The author finds in its distinguished personnel, moreover, a prime factor in its success. Conflicting jurisdiction as between federal agencies on the one hand and federal and state agencies on the other presents a real problem. Partisan representatives, as in the National Defense Mediation Board, seem to hinder the effectiveness of mediation. The case for separate specialized mediation agencies for specialized industries, as for example the Maritime Labor Board, is not clear, he thinks, except for the well-established National Mediation Boards for the railroads. The chapter on the National War Labor Board concludes with some rather penetrating evaluations of its first year's work.

No single discipline is alone adequate to deal with the great public issues that arise in the field of labor. When the study here reviewed is read together with the suggestive essays by Henry Reining and L. C. Marshall in Graham and Reining's *Regulatory Administration* (reviewed in the October issue of this REVIEW), it will at once be apparent to the judicious observer that the solution of the problem of *governance* in the complex employer-employee relation still lies far ahead of us, and that it demands the collaboration of political scientist, sociologist, economist, and jurist.

JAMES J. ROBBINS.

The American University.

The WPA and Federal Relief Policy. BY DONALD S. HOWARD. (New York: Russell Sage Foundation. 1943. Pp. 879. \$4.00.)

If a newsboy had to hawk this book on the streets, his sales appeal would probably be "Extra! Extra! All about the WPA!" That terse cry sums up the substance of this weighty volume. Behind it lies a book bearing all of the earmarks of an elaborate reference work—minute division of the field into countless subjects, topics, and subtopics; extensive use of source material and original studies; complete citations of laws and administrative operations; and numerous charts, tables, and diagrams. Heavy annotations on almost every page make a separate bibliography unnecessary. The index is a workable one, although recognized by the author as not exhaustive.

Mr. Howard's book is the third of a series covering the emergency relief programs in the United States, which the Russell Sage Foundation has undertaken to study as part of its mission "for the improvement of social and living conditions." Relying upon the preceding volumes for the broader historical background, the author comes at once to the contemporary setting of the relief problem in which WPA played a conspicuous part. Here, as Part I of the book, he describes the complicated problem

of relief, and shows the relation between "general relief" as administered by state and local bodies after 1935 and the work programs operated by the federal government. The several chapters in Part II give a rounded view of the WPA—what it is and how it works, its methods and projects, wage policies and workers' earnings, and the conditions surrounding their public employment. Eleven chapters in Part III on "eligibility" indicate the complex problem that this proved to be. Part IV treats of the fluctuating volume of WPA employment and of the policies and conditions that lay behind it. Over 200 pages of miscellaneous problems, termed "broader issues," make up the final section of the book.

No matter how generous the length of a review, it would be inadequate to cover critically a volume of this nature. Judged as a reference work, some of these questions may be asked: Does the author appear to be competent for the task he attempts? Are the collected facts sufficiently comprehensive to cover the field? Are adequate guides to supplemental material provided? Have the main original sources been tapped? Are the problems properly elucidated? Where controversies appear, do they receive balanced, objective treatment? Is the work substantially free from errors? Where evaluations and critical judgments are offered, are they reasonably tenable? In the judgment of this reviewer, the answer to each of these questions is yes, *cum laude*. One weakness lies in the scant information given on worker responsibility for the many problems that arose. And at the risk of being wrong, objections are raised to the form and structure of the volume. The book lacks cohesiveness, is repetitious, and presents the information inefficiently for reference use. The author is not to blame for this. He did an excellent job with an unwieldy subject and with the ill-fitting form selected. But this is essentially a reference work in a field of sprawling facts, and where a vast amount of evidence remains to be presented. When originally laying out the work, the Foundation might have followed the modern trend set by commercial digesters of labor relations, income tax information, and other fields as broad and complex as relief. They have recognized that the diversity and dynamic nature of the fields they survey call for special forms of organizing and binding the information. As a comprehensive survey of a great social experiment, this is an exceptionally valuable book. But its value would have been greatly enhanced had it been better dressed for the part it plays in the library.

GEORGE H. E. SMITH.

Shelton, Conn.

Parliamentary Privilege in the American Colonies. BY MARY PATTERSON CLARKE. (New Haven: Yale University Press. 1943. Pp. xi, 303. \$3.00.)

Miss Clarke has made a valuable contribution to an understanding of the development of self-government in colonial America. Conflicts between colonial assemblies and governors over financial matters have

hitherto been widely discussed, but, as Miss Clarke contends, the important exercise of parliamentary privilege by the assemblies has been much less emphasized. Territorially, her study includes England (for purposes of background) and the colonies, both continental and insular; chronologically, it covers the period from 1619, with the meeting of the assembly in Virginia, to the close of the American Revolution in 1783. The conflicts over privilege were just as acute in the island colonies which did not revolt from the mother country as in the continental ones which did so.

In her introductory chapter on the British background of parliamentary privilege, Miss Clarke shows that in the seventeenth century the privileges of Parliament were looked upon, not as antagonistic to the rights of Englishmen, but as identified with them, and it was "this interpretation of the parliamentary position that was adopted by the colonial assemblies and insisted on throughout their history." The claims of the colonists gave rise to much argument over legal theories; but, despite theory, the assemblies "present the interesting spectacle of a whole series of small parliaments growing up on American soil." Precedent played an important rôle in this development.

Succeeding chapters support this general thesis. Judicial authority was exercised by the assemblies in trying criminal cases, in hearing civil suits, and as courts of appeal. They also developed the power of impeachment, exercised authority in questions of divorce, and "moved" the various courts to correct evils brought to their attention.

The petition of the speaker in behalf of himself or the Commons was copied in the colonial assemblies and insisted upon in struggles with the governors. In general, the speaker's petition demanded freedom from arrest, freedom from molestation, freedom of speech, access to the governor, and that a favorable construction be put on actions of the house. Miss Clarke cites numerous instances where the assemblies made their authority felt against persons who had violated the clauses of the speaker's petition.

The right of the assemblies to settle election disputes was insisted upon as part of the determination of their own membership. This right was closely associated with their control over their own members. Incidental features of privilege ranged over a wide field, including precedence on social occasions, as is well illustrated by Miss Clarke's amusing story of the offended dignity of the members of the South Carolina house (p. 226).

A chapter is devoted to the conflict over jurisdiction between the assembly and the ordinary courts, and a final chapter on "The Significance of Privilege" summarizes Miss Clarke's conclusions. The point is well taken that throughout the colonies there was a remarkable similarity in political thinking, in the development of which parliamentary privilege played an important part.

A bibliographical note discusses in critical detail the materials, English and colonial, which Miss Clarke consulted in writing her book. In the section on "Lists and Guides" (p. 284), the reviewer notes the absence of the *Subject Catalogue of the Library of the Royal Empire Society, formerly the Colonial Institute*, an invaluable aid to students of British colonial problems.

EVERETT S. BROWN.

University of Michigan.

The End of the Beginning; War Speeches by the Right Hon. Winston S. Churchill. COMPILED BY CHARLES EADE. (Boston: Little, Brown and Company. 1943. Pp. xiv, 322. \$3.50.)

On January 29, 1942, in response to a request from the Prime Minister, the House of Commons divided on a vote of confidence. The division followed three days of debate on the evacuation of Hong Kong and Northern Malaya, the destruction by the enemy of the *Barham*, the *Prince of Wales*, and the *Repulse*, the recovery of the initiative in North Africa by Rommel, and the imminent loss of Singapore and the East Indies. The vote was 464 to 1. On July 2, 1942, Commons voted on Sir John Wardlaw-Milne's motion of "no confidence." The vote followed a two-day debate on the loss of Tobruk and the Nazi invasion of Egypt. British arms had suffered all but complete disaster in the Far East, and seemed about to suffer even greater disasters in the Middle East. The vote was 475 to 25 against the motion.

The public addresses of Winston Churchill during 1942 are chiefly interesting for the light which they shed on the quality of the leadership that inspired such a measure of confidence in the face of successive calamities. Churchill's political task during the past two years has been more difficult in many respects than in 1940-1941 when a desperate and grimly determined nation rallied to his flaming appeals as the only alternative to defeat and slavery. Yet he has remained the symbol and spokesman of a united community, as he himself puts it, "in spite of the shameful negligence, gross muddles, blatant incompetence, complacency, and lack of organizing power which are daily attributed to us." This result is attributable in part to the blunders of the Axis leaders and to the unrepresentative character of the Commons elected in November, 1935. But it is due in larger part to the extraordinary ability of the Prime Minister to outflank his critics, to dispense more "blood, tears, toil, and sweat," to give voice to the valor and the hopes of all his countrymen, and to "draw from the heart of suffering itself the means of inspiration and survival, and of a victory—one not only for ourselves but for all; a victory won not only for our own time, but for the long and better days that are to come."

This volume takes its title from Churchill's Mansion House address of

November 10, 1942, commenting on the opening of the North African campaign. It includes the parliamentary addresses and answers to questions in Commons, various messages of congratulation and encouragement, sundry toasts, and a few official letters. Despite the deplorable lack of an index, it is ably edited, with helpful tables of principal events scattered through the course of the chronology. These pages are a treasure chest of English prose, for few men since Shakespeare have used the language so movingly. They are also filled with rich commentaries on the art of war and on the larger problems of public administration in wartime. But their greatest value lies in their revelation of British tradition and character and of the peculiar skills essential for the mobilization of acquiescence and enthusiasm in the land of the Mother of Parliaments.

Churchill's technique can scarcely be reduced to a formula. But in most situations it combines candor, humility, and wit with unshakable confidence. Thus: "The English-speaking world have only to march forward together, have only to pool the luck, to guide the forward march of mankind." "When I was called upon to be Prime Minister, there were not many applicants for the job. Since then, perhaps, the market has improved." "Only our own follies can deprive us of victory." "The new Britain and the old Britain have always dwelt side by side in our land, and it is by the union and interplay of the new impulses and the great traditions both working together that we have managed to solve peacefully, yet finally, problems which have ruined forever the unity of many a famous state." "I have the feeling that we have a guardian because we serve a great cause, and that we shall have that guardian as long as we serve that cause faithfully." "We must beware of needless innovation, especially when guided by logic." "We shall go forward together. The road upwards is stony. There are upon our journey dark and dangerous valleys through which we have to make and fight our way. But it is sure and certain that if we persevere—and we shall persevere—we shall come through these dark and dangerous valleys into a sunlight broader and more genial and more lasting than mankind has ever known."

Churchill's artistry as a symbol-manipulator clearly bears little resemblance to that of the enemy leaders, for he is neither a demagogue nor a despot. To compare his technique with that of Stalin or Chiang Kai-shek is unrewarding, since he speaks not for a new revolutionary élite but for an old ruling class which, despite the lapses typified by Baldwin and Chamberlain, is perhaps more subtle and astute than any of its counterparts elsewhere in adapting itself to changing circumstances and retaining the deference and loyalty of the masses. Neither is Churchill comparable to Franklin D. Roosevelt, for he has never been a serious crusader for popular causes nor has he become a tired liberal, seeking to regain from the classes which distrust him that necessary political support

which the masses no longer grant. Churchill, in short, is unique among contemporary leaders, a circumstance of which he is fully aware and in which he takes sly satisfaction. But his uniqueness mirrors the distinctive political attributes of a proud and ancient land and of a globe-girdling imperium and Commonwealth of Nations. For here are all the paradoxes and all the grandeur, shame, glory, and befuddlement of "this sceptered isle, this earth of majesty, this seat of Mars" which all freemen everywhere revere. For this alone the words of Churchill merit the most careful analysis by all who would seek to solve the mystery that is England and to comprehend more clearly the nature of the political process in the oldest of parliamentary democracies.

FREDERICK L. SCHUMAN.

Williams College.

Modern Japan and Shinto Nationalism: A Study of Present-Day Trends in Japanese Religions. BY D. C. HOLTOM. (Chicago: University of Chicago Press. 1943. Pp. 178. \$2.00.)

War and Peace in the Pacific: A Preliminary Report of the Eighth Conference of the Institute of Pacific Relations on Wartime and Post-War Cooperation of the United Nations in the Pacific and the Far East, Mont Tremblant, Quebec, December 4-14, 1942. (New York: International Secretariat, Institute of Pacific Relations. 1943.)

Any book by Dr. D. C. Holtom on modern Japan is doubly welcome, not only for his conclusions based upon a wealth of evidence, but also for his citations of numerous Japanese sources and his generous translations from these sources. His recent book, on *Modern Japan and Shinto Nationalism*, is no exception. Scholars in the field of Japanese polity will note with satisfaction that he relies heavily upon the many writings of Shinkichi Uesugi, a former member of the faculty of the Imperial University of Tokyo and one of the most nationalistic of Japanese teachers, for his evidence of the imperialistic aspects of modern Shinto. Dr. Holtom's study is likewise to be commended for its reliance upon the *Kokutai no Hongi*, or "Fundamental Principles of the National Structure," issued in 1937 by the Japanese Ministry of Education, and also upon the commentaries on this official document by Magota and Hara and by Miura.

The author clearly distinguishes between Sectarian Shinto, which is only partly controlled by the Bureau of Religions in the Japanese Ministry of Education, and State Shinto, which is largely managed by the Bureau of Shrines in the Ministry of Home Affairs. He offers considerable evidence to show that State Shinto was revived after the Restoration in 1867, that it is intimately associated with Japanese nationalism, and that it has culminated in Emperor-worship and the adoration of dead warriors.

Relying upon the *Kokutai no Hongi*, the author discusses the element of universalism in State Shinto and shows its kinship with the principle of *Hakko ichi-u* ("the whole world under one roof"), which has become the basic aim of Japanese foreign policy. He also shows that Buddhism, Christianity, and other competing religions in Japan have been forced to identify themselves with the principles of State Shinto.

The book is particularly useful to political scientists as a means of illustrating the spiritual background of the New Order in Greater East Asia which Japan has attempted to establish in the Orient by force of arms. In this connection, the book is not adequate in its explanation of the *Kokutai*, or the Japanese theory of the nature of the state. Inasmuch as the author draws extensively upon the works of Professor Uesugi, it is surprising to find that he neglects the celebrated controversy between Uesugi and his colleague, Professor Tatsukichi Minobe, who held that the Emperor, far from being the state itself, is merely an organ of the state. The Minobe doctrine, which prevailed for nearly twenty years among Japanese jurists who were educated at the Imperial University of Tokyo, was the severest blow struck at the fetish of Emperor-worship. Acceptance of the Minobe theory was indeed rapidly spreading among educated Japanese when the militarists, after the *coup d'état* of 1931, took official note of it and forcibly suppressed it. The omission of the Minobe doctrine in Dr. Holtom's study is one of the few flaws in this admirable book.

War and Peace in the Pacific is the title of the preliminary report of the Eighth Conference of the Institute of Pacific Relations, held at Mont Tremblant in December, 1942. The more complete account, when finally published, will be an important contribution to the political and social studies of the Far East. The chief theme of the conference was found in an attempt to answer two questions: (1) What steps can jointly or severally be taken by the United Nations to aid in the prosecution of the war and in the establishment of racial, political, and economic justice and welfare?, and (2) How far can the conclusions reached in this discussion be made the basis of a practical program for the United Nations?

These questions were discussed by the ablest group of participants ever assembled by the Institute of Pacific Relations. Many policy-making officials were found among the conferees, although none of them officially represented their respective governments at the conference. Great Britain was represented by such lights as Lord Hailey, Harold Butler, Hugh Byas, Sir George Sansom, and Sir Frederick Whyte. In fact, every one of the sixteen members from the United Kingdom was an outstanding expert. Sao-ke Alfred Sze was among the ten delegates from China. Raden Loekman Djajadiningrat and ten other able delegates represented the Netherlands. Philip C. Jessup, Lauchlin Currie, Maxwell Hamilton, Francis

Burton Harrison, Stanley K. Hornbeck, Owen Lattimore, General Frank R. McCoy, Edgar Ansel Mowrer, Leo Pasvolsky, Senator Elbert D. Thomas, Admiral Yarnell, and fifteen other distinguished officials and scholars sat for the United States. Equally distinguished delegates represented Australia, Canada, Fighting France, Korea, India, New Zealand, the Philippines, and Thailand.

The discussions were emphatically frank. In view of the official connections of many of the delegates, a complete exposé of these discussions is not included in the report. Reading between the lines, however, the observant reader will find that the British delegates practically spoke as follows: Peace cannot be obtained in any quarter of the globe without resort to balance of power and international coöperation. The British Empire alone is not strong enough to maintain a balance in the Orient. The British would prefer to have the collaboration and partnership of the United States in this enterprise. But if this collaboration is not forthcoming, then we have at least the twenty-year pact with Soviet Russia. Now, what does America propose to do?

This is the kind of language that Americans admire. The challenge at Mont Tremblant was met by frank discussion of numerous phases of the complex problem of postwar settlement in the Orient. These phases included: a Pacific regional organization, a permanent United Nations organization, a United Nations conference, the solution of the Indian political deadlock, an international police force, postwar treatment of Japan, China's place in the United Nations' War Councils, the future of colonial territories, Chinese emigration, minimum welfare standards, American willingness to enter into international commitments, international responsibilities of the Great Powers, and the application of the Atlantic Charter to the Far East.

Consensus of opinion among the American experts called for the undertaking of commitments by the United States in the postwar period. Relics of isolationism survived even among the experts. One American conferee, nettled by the British challenge, delivered himself of the following retort: "Woodrow Wilson did not speak for the American people when he went to Paris (1919), and there had been a clear signal that this was so. Yet for many years after that Americans had to hear the charge that somehow the United States had broken faith with the nations that met at Paris." How an American *expert* could make such an inaccurate statement is almost incomprehensible. Every jurist will hold that the President was then as now the constitutional spokesman for the American people. Again, there is an abundance of evidence to show that the American people at the end of World War I stood rather solidly for the Wilsonian ideas. Even Senator James E. Watson, of Indiana, the lieutenant of Senator Henry Cabot Lodge in the plot to destroy the Treaty of Versailles by unacceptable

reservations, told Lodge that eighty per cent of the American people were in favor of the League of Nations. Fortunately, most of the contributions of the American experts at Mont Tremblant comported more accurately with the facts than did the expression of the "expert" above quoted. The tone of the discussion throughout all sessions seemed to point to the conclusion that America was ready, and would accept the British challenge to collaborate in the reconstruction of postwar peace in the Far East.

KENNETH COLEGROVE.

Northwestern University.

Japan's Military Masters. BY HILLIS LORY. (New York: The Viking Press. 1943. Pp. 256. \$2.50.)

The author of this study lived in Japan for a number of years and through a personal acquaintance with Army conscripts as well as ranking generals became interested in the rôle of the Japanese army in the political life of Japan. His study is mainly confined to the organization and training of the Army and the way in which these matters influence the Army's rôle in politics.

The first half of the book presents a picture of the education, training, and indoctrination of both private and officer. Much material dealing with army training is conveniently summarized and analyzed to give the reader a clearer picture of the Japanese Army as an army of the people. This fact, not often stressed in Western writings about Japan, cannot be over-emphasized. For if there is one organization in Japan that has its roots in the life of the people more than any other, it is the Army. This, Dr. Lory makes abundantly clear. His chapter on "The Religion of the Army" shows clearly the military's propagation of the set of beliefs related to the institution of the Emperor. "Not only the Imperial Army but the entire nation regard our Emperor as a living God. For us it is not a question of historical or scientific accuracy. It is an article of living faith." This statement, the author quotes (p. 32), not as coming from a fanatical young officer, but as made by General Senjuro Hayashi in an interview when Hayashi was Minister of War. It illustrates as well as anything the significance of Emperor-worship in the lives of the Japanese people, since the beliefs that the soldier and the officer are taught to accept are more thoroughly a part of mass beliefs than any other doctrines.

In his chapter on Army leadership, there are interesting characterizations of some of the officers who have held political posts and influenced policy, as well as a clear description of the organs through which the army manipulates political control. Dr. Lory characterizes Tojo as a "rare combination of an able administrator and a capable field commander" (p. 129). He believes that Japan's early successes against Britain and the

United States "may be credited in no small part to Tojo—fanatic, ruthless, and wise in the art of war" (p. 131).

A short chapter is devoted to army factions, providing a condensed account of secret societies and other organizations with which Hugh Byas deals at length in his *Government by Assassination*. The author believes that army groups have been the "liberals" or "radicals" in economics, while the so-called civilian "liberals" have really been conservatives in their views on Japan's economy.

The final chapter on "Japan's Underrated Power" is most valuable for American readers, since the author points out the difference between the German and Japanese propaganda line before Pearl Harbor. Whereas the Germans boasted about their growing power and attempted to present a spectacle of invincibility, the Japanese deliberately led the West to believe that they were weak, that their war with China had sapped their power, and, that therefore there was little danger of their going to war with a powerful Britain and America. Future historians will puzzle over large-scale American acceptance of both the German and Japanese propaganda.

Dr. Lory states that "our best guarantee of a future free from the danger of Japan going on another war rampage is to make the men we conquer on the battlefield sit at the peace table, where before their own people and the world they must admit defeat" (p. 218). The author apparently believes that the cult of Emperor-worship and related beliefs can be eradicated only by a new Japanese leadership, although he does not indicate how such leadership may arise. He also agrees with Ambassador Grew, who has written a foreword to his book, that the Japanese will fight to the last man.

As a popular study of the nature of Japan's army and its relation to Japanese politics and policies, this little book should be read along with John Goette's *Japan Fights For Asia*, which describes Japan's armies in the field. The reader will not find answers to all his questions, but will find illumination on many points heretofore not dealt with in the many books published about Japan since December 7, 1941.

WILLIAM C. JOHNSTONE.

George Washington University.

Freedom Forgotten and Remembered. BY HELMUT KUHN. (Chapel Hill: University of North Carolina Press. 1943. Pp. viii, 267. \$2.50.)

There is something reminiscent of Erich Fromm in Mr. Kuhn's intellectual analysis of the problem of freedom. While Mr. Fromm's and Mr. Kuhn's approaches are different, one being psychological and the other philosophical, the end-products are complementary statements of the

conditions under which human liberty may be recaptured and extended. Mr. Kuhn's eclectic method and somewhat uneven style make his book difficult to review with entire fairness.

Drawing upon a first-hand knowledge of Nazi Germany, Mr. Kuhn describes the fatal forgetfulness of freedom that led to the acceptance of totalitarianism by respectable middle-class Germans. After the first World War, intellectual leaders surrendered to historicism or determinism and to what Mr. Kuhn calls an "Either—Or" or existential philosophy, radical choice divorced from reason, and both were symptomatic of the profound despair pervading all phases of German life out of which issued National Socialism. Before Hitler's capture of supreme power in 1933, the philosopher's chair had been vacated; bankrupt intelligence had already made way for the rule of propaganda. Only the Confessional Church under Pastor Niemöller, according to Mr. Kuhn, struggled to preserve Christian principles in the face of neo-paganism. The fact that the writer was associated with this anti-Nazi movement makes his appraisal of its efforts especially valuable.

In his interpretation of totalitarianism as an act of oblivion, Mr. Kuhn seeks to explain the conjunction of muddled reasoning and consistent action in terms of what he calls the logic of passion, a frustrated and degraded passion that prevails over reason and Christianity. This part of the book is unsatisfactory in many ways, not because of any absence of shrewd insights and reasonable conclusions, but rather because of their very profusion. The reader grows weary of threading his way through the explanation of passion's triumph when freedom vanishes into forgetfulness. And yet, despite the prolixity of the writing, Mr. Kuhn's account of the deficiencies of German intellectual life may be appreciated for its suggestions as to the lessons which the Western democracies must learn. Freedom is so easily consigned to oblivion. If merely forgotten, it may be recalled; but if repudiated and cast out by an irrevocable act of despair, only a supreme act of will can bring it back to life. The growth of passion in Germany is traced from Nietzsche through the succession of mock prophets and saviors who appeared on the scene before and after the First World War to the romantic youth movement and Hitler, the greatest impostor of them all. Particularly significant is Mr. Kuhn's description of the failure of German Protestantism and idealism to coalesce, of the dichotomy between Christian faith and worldly culture and humanism. The writer is also to be commended for the sagacity with which he explains the Nazi ersatz religion with its message of hope in the Third Reich, Nazi propaganda to which the propagandist himself succumbs, perverted totalitarian "democracy," the non-Marxian "socialism" of the Nazis, the rôle of the Jew as a scapegoat, the myth of Aryan superiority, and the fanatic obedience of a nation rushing headlong from freedom into servitude.

While one doubts whether the lamps of freedom ever burned as brightly in Germany as in Western Europe and America, nevertheless the moral which Mr. Kuhn points for the democracies at a time when they have been forced to don a uniform that the multiform life may survive is as impressive as anything in the book. He reminds us of how easy it is to forget freedom and its primacy in our Christian heritage, of the fact that freedom—an indispensable condition for the attainment of true happiness—does not simply happen. We must not shrink from making the conscious collective effort that the realization of freedom demands. Mr. Kuhn's hope is that we may learn a new lesson about liberty, not from Hitler, but through Hitler.

Furthermore, the writer warns that should an attitude of narrow nationalism engulf the victorious democratic peoples after this war, conditions productive of a new despair and a new hatred fatal to freedom may arise. He believes that totalitarianism need not follow from the concentration of power which warfare requires, but that a democratic abdication of democracy could occur. This happened in Germany, and the same thing is possible in the Western nations as well. The successful demagogue can promote policies as destructive of freedom as the despotic dictator. Mr. Kuhn asserts that healthy democracy is predicated upon unceasing popular devotion to the principles of man's superiority to the state and of humanity's consummation taking place beyond the state.

In conclusion, Mr. Kuhn asks whether the fading idea of freedom may be recaptured through the sacrificial effort of war. If events produce an affirmative answer, victory is worth while and the peace may become something better than a mere cessation of hostilities. The future of freedom is alleged to depend upon a successful shifting of emphasis from emancipation to construction, from "freedom from . . ." to "freedom to . . ." Mr. Kuhn does not specify what he has in mind as the goal of constructive freedom, but the changes must be gradual in any event. Man must be liberated from bondage to the machine, and some form of social democracy may be the result. Finally, there is need for a new theology which clarifies man's direct relation to God and truth, which denies his total dependence upon the state, and which enables him to appreciate the relationship of the individual self to the social environment.

LUTHER J. LEE, JR.

Pomona College.

Challenge to Freedom. BY HENRY M. WRISTON. (New York: Harper and Brothers. 1943. Pp. 240. \$2.00.)

This volume is a sequel to an earlier one, *Prepare for Peace* (1941), and is a plan for domestic government consistent with peace. It contains chapters on "democratic fundamentals" and "reason or power," sections dealing with economic problems including "full employment," "security,"

and "privilege," with governmental organization, including management and planning; and at the end there is presented a plan of action.

Part of the volume moves with a sure touch: as the relationship of democracy to freedom, the supremacy of reason over force, the importance of freedom for all throughout the world. Other sections of the book are on a far different level of information and insight. For example, when President Wriston attacks "administrative management," it is not clear what he really means. Or when he proposes that government must "govern but not manage." Another college president, Dykstra of the University of Wisconsin, says: "The words and practice of public management are now generally accepted—we see a tremendous expansion in the idea and profession of management." Surely Dr. Wriston does not wish to set himself against all city managers or county managers or sounder management of the affairs of state or national government. Let government govern and not manage, says Dr. Wriston; let it "police but not control." But does this mean that government is merely policing public schools, health, recreation, and other social services? The author himself says later: "The social service state (*sic*) could not survive without the machine" (p. 215). He must be using the term management in a different sense from that commonly indicated. I have heard that President Wriston is himself a "good manager" in his own special field of competence.

Dr. Wriston also assails all forms of "planning"—apparently even city planning (p. 108). Is it possible that he wishes to abolish all city planning agencies throughout the land? Perhaps he is using "planning" in some special and unusual sense. Dr. Wriston charges (p. 109) that planning gives "as slight a rôle to the states as possible." But there are now some forty state planning boards in the several commonwealths, and the Council of State Governments is at this moment perhaps the most active planning agency in the United States. If all planning is all awry, what shall we do with the United States Chamber of Commerce, the National Association of Manufacturers, the Committee for Economic Development, the National Planning Association, the Twentieth Century Foundation, and many other groups hard at work planning for the postwar period? Surely they are not all suffering from frustration and bent on overturning the earth. Democratic planning, of course, develops many planners and, with some clearance of their plans, is eminently desirable. Dr. Wriston does not seem to see that both planning and management are tools of democracy and tools of freedom.

In the economic field, Dr. Wriston is also critical, perhaps again, however, with some other terminology in mind. "Full employment" seems to him a dubious aim—a "glittering phrase" (p. 151), a "political phantasy" (p. 154), false economically and deficient psychologically. Surely he must favor the fullest employment possible, and indeed he concedes the

desirability of some adequate provision for those unemployed.

Again "security" is suspect. But while security is taboo, insurance is desirable as protection against "unnecessary risk" (p. 166). The writer prudently points out that old age and unemployment insurance may be good, but there are other things "miscalled" social security (p. 166). But in such case just what is it that the learned Doctor objects to in social security? Would he repeal existing measures for old age insurance, accident, unemployment, mothers' pensions, survivors insurance? I confess my conviction again that there is some terminological block which prevents us from understanding him fully. Freedom is fundamental, and risk-taking is a part of our life; but this does not stand in the way of our responsibility for the sick, the helpless.

The "reform" plan presented is not elaborate. In the foreign field, in which Dr. Wriston is relatively at home, he urges that freedom be extended over all the world. Isolationism must be avoided, and the errors of the last peace must not be repeated.

Beyond this, he agrees that national productivity must be continuously increased and expanded, as currently urged by leading national planners. Business must take the lead in seeing that there is "no needless suffering"; otherwise there may be "reprisals" from the sufferers. Government must simplify its structure; but how? Government must shorten its proceedings and limit its regulations; but at what points? We must resist centralization "with bitter determination"; but again at what points? Peculiar is the proposal that "government should organize to exploit free enterprise and the machines which implement it" (p. 214). But is it not commonly held that government should not "exploit" free enterprise any more than free enterprise should exploit government? Such is the outline of what Dr. Wriston calls a "radical program."

On the whole, there is a sharp contrast between the general sections of the volume and the specific aspects of government and economics with which the author deals. The book itself is an excellent illustration of the need and value of sound planning and administration in order to make democracy effective in our day. Dr. Wriston's misunderstanding of the nature of management, of planning, of social security, of full employment, in the sense in which these terms are commonly employed, stands in the way of clear application of his main objectives. The democratic demand for recognition of the dignity of man, for freedom of the human personality to express itself in creative forms, the desire to couple these ideals with the expansion of our productive capacity—these are shared by the great mass of Americans in our day and throughout the world. But freedom must be implemented by concrete ways and means, by public and private activities adapted to its practical realization.

CHARLES E. MERRIAM.

University of Chicago.

Makers of Modern Strategy; Military Thought from Machiavelli to Hitler.

EDITED BY EDWARD MEAD EARLE. (Princeton: Princeton University Press. 1943. Pp. xii, 553. \$3.75.)

This book, a history of the development of modern military thought, is of great value as a successful pioneering attempt in a little explored field. In no country seems a book like the present one more needed than in the United States, where for many years not only historians and political scientists but statesmen and politicians have neglected the art of warfare, the study of strategy and of the elements of military power and security. Professor Earle has gathered twenty-one essays dealing with the outstanding theoreticians of war from the sixteenth century to the present day. This rich material has been divided with great skill into five sections. The first of these deals with the rise of modern warfare from Machiavelli to his greatest practical disciple, Frederick the Great. The following section discusses the transition from the dynastic wars of the eighteenth century to the national wars of the nineteenth century with their new dynamism and their new art of mobilization, first practically developed by Napoleon and then built into a theory by his interpreters Jomini and Clausewitz.

The third section fills in the broad canvas of the modern era with its ever closer intertwining of military art, economics, political theory, and science; it takes up the military concepts of men and movements as diverse as economic nationalists of the type of Friedrich List, social revolutionaries like Friedrich Engels, the Prussian general staff, leaders in colonial warfare, and finally representative military historians like Professor Delbrück of the University of Berlin. The last two sections bring the book up to the problems of our time and its immediate background. The emergence of the civilian leader in great heroic personalities like Clemenceau and Churchill; Ludendorff as the father of the German total war; the Soviet concepts of war in their development from Lenin and Trotzki to Stalin; the doctrine of defense of Western theoreticians like Maginot and Liddell Hart; and finally the world-wide strategy of the German geopoliticians—all these highly timely problems are discussed in detail. Against this more philosophical-historical background, the chapters that follow deal with the immediate concrete military theories of sea- and air-warfare, put to the test in the present conflict. An epilogue fittingly climaxes the book with elucidation of the Nazi concept of war, the ripest fruit on the tree planted by Machiavelli and Frederick the Great. This epilogue, written by the editor himself, rightly points out that Hitler's strategy was primarily based on psychological and political warfare, and that military operations were only a last resort after all other methods of conquest had been exhausted. But of course psychological and political

warfare would never have been so successful without the armed might of Germany backing it, and without the woeful unpreparedness and disarmament of the democratic powers which had fallen victim to the brazen German propaganda insisting that German "disarmament" was not compatible with the "armaments" of the democracies. But German propaganda, which worked so well after 1918 in creating all kinds of myths about the peace-treaties and about Germany, succeeds only to a certain limit; it is interesting that Hitler, who berated William II so thoroughly in his *Mein Kampf*, finds himself today in the same predicament in which the Emperor found himself, and for the very same reason.

In spite of all their scholarly propaganda, and in spite of all their faith in their superiority and success—their scholars proving with much "metaphysical depth" the inevitability of the fulfilment of "destiny"—the Germans failed in both their world wars because they despised the Western liberal world and did not believe that free men can produce great leaders. Clemenceau, Lloyd George, Wilson, Churchill, and Roosevelt were the reply of the democratic world. But the lasting success of these, beyond the immediate war emergency, depended upon their capacity for making the basic facts of the war understood by the masses. Wilson failed in his magnificent effort because he never made the American people understand the realities and verities of the war. The people regarded it as a generous crusade to help others, instead of as an attempt to make America secure against the threat of a German-United Europe and a German-controlled Atlantic. Therefore the people never understood the importance of victory in itself nor the American interest in a system of collective security to make the recurrence of the German threat impossible. For these reasons, Wilson finally failed; and not only the peace, but the victory was lost, and had to be regained at a much greater cost and effort. It is part of Churchill's unique greatness that he made the British people, and all free peoples, understand the fundamental issues of the present war and its strategy.

Professor Earle defines the purpose of his book as being to do, on a different level, what Churchill did, i.e., to enable the people to understand the principles of war and thus to make the democracies more effective in war and above all more secure in peace. "We believe that eternal vigilance in such matters is the price of liberty. We believe, too, that if we are to have a durable peace we must have a clear understanding of the rôle which armed force plays in international society. For it is not force, in itself, which is wrong, but the purposes to which force is sometimes put." The present book will help the people and their leaders to discuss more intelligently the use of force and its purposes in the national interest and in that of international peace. It is difficult to single out any of the twenty-one chapters for special consideration. All are written by experts

and maintain a consistently high level. It is only natural that some of the chapters which deal with the immediate background of the present crisis should especially attract the reader's attention. The present reviewer found in this way the chapters on Schlieffen and Foch, and those on the Soviet concepts of war and on Mahan, especially rewarding. The chapter on Mahan should be required reading for every American. The book contains bibliographical notes, is well printed, and is very moderately priced.

HANS KOHN.

Smith College.

International Law and Totalitarian Lawlessness. BY GEORGE SCHWARZENBERGER. (London: Jonathan Cape. 1943. Pp. 110. 10s. 6d.)

This volume by Dr. Schwarzenberger, author of *Power Politics* and lecturer in international law and relations at University College, London, is an indictment of the Axis in legal terms and a plea that the totalitarian states be classified formally as "outlaws." The chapters in the book are really essays upon four different topics, the result being that the work lacks unity and cohesion despite the constant emphasis upon the reprehensible character of the behavior of what he calls the "Triangle Powers." In Chapter I, "International Law as a Weapon of Pre-Belligerent Warfare," Dr. Schwarzenberger describes how the Nazis skillfully employed legal terminology and twisted Wilsonian concepts to destroy law and decency. In Chapter II, "Neutrality and Totalitarian Aggression," he apparently believes that the law of neutrality is still with us, but declares that neutrals are released from their obligations because of Axis violations of the Pact of Paris. Just how the law of neutrality can survive virtually intact and yet be ignored in the present crisis is not made too clear, while the author's faith in the efficacy of the Pact of Paris borders a bit on the fantastic. How that vague and unimplemented treaty can still be regarded as the cornerstone of the international legal edifice seems strange indeed.

Chapter III, "Retribution for War Crimes," is a convenient summary of the known rules and practices in regard to the punishment of war criminals and contains a suggestion for an International Criminal Court, along with a discussion of the various ways in which Axis war criminals may be brought to justice. Finally, in Chapter IV, "The Totalitarian States as the International Outlaws," the author wants to have the "Triangle" nations formally outlawed. This reader's irreverent reaction to this suggestion is to say, "So what?" Dr. Schwarzenberger concedes that we shall have to have dealings with these states anyway, and fails to demonstrate the value of issuing a manifesto placing them beyond the Pale. Would it not be just another high-minded but fundamentally meaningless gesture of the type which has so often made international law look ridiculous?

Many international lawyers will probably split hairs with Dr. Schwarzenberger over the question whether an entire people or state can be outlawed, but the whole business seems downright silly. Germany, Italy, and Japan can be dealt with politically and legally without resort to futile tactics of this sort.

There are some interesting ideas and some valuable data in both the text and the appendices, but on the whole the book is not up to the high standard which we now expect from Dr. Schwarzenberger. It bears the marks of wartime haste, and is more of a brief than a measured analysis.

PAYSON S. WILD.

Harvard University.

War's End and After. BY STUART CHEVALIER. (New York: The Macmillan Company. 1943. Pp. x, 337. \$2.75.)

Out of This Nettle, Danger . . . BY HAROLD W. DODDS. (Princeton: Princeton University Press. 1943. Pp. 57. \$1.00.)

The United States and the United Nations. EDITED BY PERCY W. BIDWELL. (New York: Council on Foreign Relations. 1943. Pp. viii, 82. Printed for private distribution.)

Post-War Reconstruction Conferences. BY WILLIAM O'DAVOREN. (Geneva: School of Interpreters of the University of Geneva. 1942. Pp. 166. 6 Swiss francs.)

With millions of words being spoken and written on postwar problems, authors who essay to set forth their ideas on this subject are challenged to devise novel forms of presentation that will arouse interest. In *War's End and After*, Stuart Chevalier, a distinguished lawyer and former professor of law, attempts to reach a popular audience by combining the techniques of *It Can't Happen Here* and Plato's dialogues. Through the conversation of three American war casualties who are convalescing in a Pacific coast hospital several months after the unconditional surrender of the Axis, Mr. Chevalier discusses the familiar collection of ideas on postwar questions with the declared intention of appealing "primarily to the 'man in the street' who might want a brief, impartial, and fairly inclusive statement of the problems the war will leave for him and mankind to face and solve."

That Mr. Chevalier reaches his goal is doubtful for at least two reasons. First, the general reader would probably be more confused than enlightened by the conflicting ideas and prejudices that are left completely unreconciled by the author. As a result, apparently, of a conviction that popular attention can best be stimulated by a belligerent atmosphere similar to that of a Town Hall meeting, Mr. Chevalier has chosen as his

first character a successful Eastern business man and former isolationist; the second is a Southerner who describes himself as a "liberal" and who inevitably embarks on long comparisons between the Civil War and World War II; and the third is a former newspaper reporter whose political and economic views are more radical than those of his two friends. In the course of their talks about the future, these three men naturally disagree on many subjects, and no attempt is made to arrive at conclusions. A second reason why the book fails to give a clear presentation of postwar problems is found in the clumsiness of the medium adopted. The artificiality of the "conversations" is always apparent, for the speeches sometimes continue for several pages and the verbatim quotations from contemporary books on the winning of the peace are so long that they would not be tolerated even by isolated patients eager for companionship and knowledge.

Far less inclusive in subject-matter than *War's End and After* is the book by Harold W. Dodds, president of Princeton University and recently chairman of the American delegation to the Bermuda conference on refugees. From his addresses made during the past several years, President Dodds has garnered ideas on subjects which he believes will be of particular interest to young people after the war: international organization, the postwar economy, and the future of liberal education. Although the title of President Dodds' book recalls the phrase used by the unfortunate Chamberlain upon his return from Munich, the thesis of these essays is one the British Premier would have done well to recall: "He who's secure is not safe." President Dodds repeatedly warns the present generation that it must be on guard against security in foreign or domestic affairs lest it become careless about those preparations of mind and character upon which real safety depends.

Another publication on postwar problems—which is an account of a well-informed segment of public opinion rather than the statement of a particular individual's beliefs—is the Council on Foreign Relations' pamphlet, *The United States and the United Nations*. For the past five years, the Council has established committees in various sections of the country to discuss pertinent international questions, and during the last year the subject was the postwar relations of the United States. The uniformity of opinion which prevails in the reports of the committees' conclusions is their most striking quality. On the question of the future of Germany, for example, there is general agreement that while no good could be achieved by announcing a Carthaginian peace we would tire of enforcing, it should be possible for the United Nations to construct a world order too strong to be menaced by assault again.

A book that approaches international cooperation from a technical rather than a theoretical point of view is William O'Davoren's *Post-War Reconstruction Conferences*. Relying heavily on his experience with the

I.L.O., Mr. O'Davoren discusses the pedestrian but necessary tasks connected with preparations for a world conference. Although the book is advertised as "a contribution to future reconstruction work," the arrangements for future Allied conferences will probably reflect the current emphasis on the "Big Three" rather than the theory of international equality on which Mr. O'Davoren bases his work.

WINIFRED N. HADSEL.

Foreign Policy Association.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The Third-Term Tradition; Its Rise and Collapse in American Politics (Columbia University Press, 1943, pp. xii, 382, \$3.75), by Charles W. Stein, lies in the field of political rather than institutional history. It adds little to our understanding of what the author calls the "Third-Term Tradition," but tells with circumstance the story of successive attempts to overthrow it. While the chapter on the Grant-Conkling tilt against the tradition contains little that is new, the ensuing chapters on Cleveland's, T. R.'s, Woodrow Wilson's, and Coolidge's attitudes and acts affecting the tradition marshal, in informative and interesting narratives, much fugitive material, and fully justify the volume. Mr. Stein advances the opinion that Cleveland would have been willing in 1892 to run again had he been reelected in 1888, that T. R. would have been reelected in 1908 had he at that date already thirsted for "a third cup of coffee," that Woodrow Wilson would have run in 1920 if health had permitted, that Coolidge expected to be drafted in 1928 and would have been reelected had his expectation not been disappointed. With most of these opinions one can agree, though the one about Cleveland, besides being supported by little evidence, sounds rather "iffy." The book shows some signs of immaturity. In his final chapter, the author appears to fluctuate between bowing before "the wave of the future" and a Partingtonian desire to sweep it back with the help of a constitutional amendment that would embody the discarded tradition, or even a one-term rule. He is also disposed to quote other writers, not because their statements add authority to his own conclusions, but because he fancies their way of putting things, and sometimes he fails to indicate the source of the borrowed plumage. (Cf. p. 348 and the reviewer's *The President, Office and Powers*, p. 37.)—EDWARD S. CORWIN.

What has the war done to the individual, to the family, to cities, towns, and farms? What changes have taken place in the population, in race relations, in crime? These and other similar questions are answered, or at

least discussed, in *American Society in Wartime* (University of Chicago Press, 1943, pp. vii, 237, \$2.50), edited by William F. Ogburn. This is a collection of eleven lectures delivered at the University of Chicago in 1942-43 under the auspices of the Charles R. Walgreen Foundation for the Study of American Institutions. The lectures on "Population," "The Family," "The American Town," "The Urban Community," "Social Science and the Soldier," "The Role of the Citizen," "The Japanese-Americans," "Racial Ideologies," and "Morale" were prepared by such distinguished members of the University of Chicago faculty as Ogburn, Burgess, Warner, Wirth, Stouffer, Faris, Redfield, Park, and Blumer. The lecture on "Farms and Farming Communities" was prepared by Lowry Nelson, of the University of Minnesota, and the one on "Crime" by Edwin H. Sutherland, of the University of Indiana. The lectures are, without exception, of high quality. They are not all on war problems, however. They vary, also, in the relative amount of emphasis on World War I and World War II. The United States had been in the war less than a year when these lectures started. Thus some variation is to be expected. The lectures on population and crime naturally had to rely quite heavily on World War I data, whereas the lecturer on the Japanese-Americans was obviously dealing with a World War II problem and its possible postwar repercussions. And the lecturer on racial ideologies was dealing with a perennial problem and not just a war-time situation. A short up-to-date bibliography is presented at the end of each chapter. The chief weakness of the volume lies in its omissions. The collection is by no means complete. The impact of the war on business, industry, government, etc., is not discussed. All of the lecturers were sociologists and anthropologists. There were no economists or political scientists among them. A second and a third volume are needed to cover some of the high spots of these fields. Undoubtedly the greatest changes in the postwar years will be in economic and political institutions.—E. ALLEN HELMS.

John J. Floherty's *Inside the F. B. I.* (J. B. Lippincott Co., 1943, pp. 192, \$2.00) is an uncritical description of scientific methods used by the F.B.I. in gathering evidence in criminal cases, with a foreword by J. Edgar Hoover. Under Mr. Floherty's pen, crime detection becomes an exact science. He recounts numerous case histories to illustrate how technicians in the research laboratories of the F.B.I. have ensnared "public enemies" who failed to get away from the scene of their crimes without leaving behind either tell-tale fingerprints, particles of earth, or perhaps a strand of hair or a shred of cloth, a scrap of wood or paper, or a drop of blood. "Minnie the Moocher" or "Foghorn Kelly" may have had an easy time of it a century ago, but in modern times they are being "out-

smarted" at every turn by test tube, spectrograph, microscope, X ray, and camera. The author is impressed with the high quality of the personnel of the F.B.I. Commenting on the "army of men and women" busily at work in the fingerprint section of the Identification Division, for example, he says: "As I watched hundreds of them at work, I was startled by a curious resemblance of one worker to another. They differed in height, weight, and coloring as members of any other group might differ, yet there was that uniformity that marks a stable of thoroughbred horses. It took some time to determine where lay this similarity that seemed to be psychological as well as physical. Then I perceived that from the top of the organization to the bottom, youth was dominant. No stooping shoulders, no dull countenances, every eye sparkled with life and intelligence, every body vibrated with vigor. Men, women, and even messenger boys were alert as hawks and as keen . . ." (pp. 29-30). Employees of the F.B.I. are recruited cautiously. Their training is thorough and rigorous. Mr. Floherty writes: "I had an excellent opportunity to observe the students in classrooms, on the range, and in their many other activities. Every one of them had the clear eye and the direct look that characterizes the experienced special agent. Every chin and jaw was strong and well-defined. Every man was a picture of robust health and self-assurance. When a question was propounded in the classroom, hands shot upward, arms as rigid as bayonets. When notes were made, there was complete engrossment. Answers were given in strong, well-modulated voices. To all this there was not one exception." (p. 101). Amateur sleuths, some college professors we know, and Boy Scouts will find this book fascinating. The thesis of the study is inescapable: "Crime does not pay!"—ALDEN L. POWELL.

A concise and penetrating statement of the major domestic and international economic problems confronting the United States is to be found in *The Future Economic Policy of the United States* (World Peace Foundation, 1943, pp. 101, \$0.50), by William Adams Brown, Jr. In this study, Professor Brown has summarized in an unusually lucid manner the economic issues before the American people and the various public attitudes which are being taken toward these problems. On both the domestic and international problems, he shows how Americans hold views that are conflicting and, in many cases, irreconcilable. For example, substantial groups of Americans want a free enterprise system and at the same time social security; they want less government regulation and control, but no more booms and depressions; they want high wages and short hours and full employment; they want less taxes and less debt; they want full national sovereignty and international organization to preserve peace; they want development of backward countries, but no economic imperial-

ism; they want more international trade, but protection of established American economic interests. Professor Brown believes that many of these differing and conflicting views can be reconciled. The choice is not always all or nothing. The conflicts of social and economic aims can be reduced; but there is a limit to compromise and adjustment. One cannot avoid the fact that as we enter the postwar period there is a "hard core of ultimate choice that faces the nation." To obtain any worth while economic objective we must forego something.—NATHAN L. SILVERSTEIN.

In a short volume entitled *The Labor Legislation of New Jersey* (American Council on Public Affairs, 1943, pp. 126, \$2.00), Philip Charles Newman presents a closely packed, well documented history of the development of labor legislation in a single state. Despite recent federal laws, government action affecting labor's welfare is still largely in the hands of state legislatures and state courts. Hence the value of a study such as this. Against an excellent background summary, Mr. Newman traces the court decisions and statutes which have affected trade unions and their activities. New Jersey is revealed as a prize example of the injunction evil against which organized labor so long sought protection. Next comes a history of laws dealing with wages, working conditions, and the development of the state's department of labor. Accident and unemployment compensation are unfortunately omitted. Of special value throughout is the attempt to assay the forces behind the enactment or defeat of specific bills. This reviewer well knows how scanty is the documentary material available for this task. Mr. Newman has built up the picture through laborious study of newspapers and the meagre records of various organizations. He concludes that "liberal middle class groups," such as the Consumers' League, have had an influence far greater than the size of their membership would suggest. Unfortunately, the volume is marred by poor proof-reading. In other respects it may well serve, as Charles A. Beard suggests in his Foreword, as a guide for similar books about other states. Rather few such histories have been published to date. They should have interest and value, not only as concrete studies in the use of government in the labor field, but also as illustrations of the actual working of the democratic process in an area where economic group conflict is acute.—ELIZABETH BRANDEIS.

In his *Loss of Citizenship: Denaturalization—The Alien in Wartime* (Washington, D. C.: National Law Book Co., 1943, pp. ix, 149, \$4.00), John L. Cable, former member of Congress and author of the Cable Act of September 22, 1922, presents an analysis of the law on the subject of denaturalization in the United States. The volume deals primarily with

the law covering denaturalization as interpreted by the courts. The last chapter, however, is devoted to the subject of the legal status of the alien in wartime, and an appendix, consisting of documentary materials, accounts for 42 pages. The volume is replete with summaries of judicial opinions, which should be useful to the legal profession, or to anyone having occasion to study the cases on denaturalization. Its principal shortcoming is its generally uncritical approach. There is almost no discussion of the merits of the existing law, although it is stated in the preface that the use of the denaturalization proceeding "constitutes an effective means of attack against disloyal naturalized citizens guilty of subversive activities" (p. iv). There are no conclusions on the question of whether adequate protection is afforded to naturalized persons whose citizenship is attacked, a matter which obviously bore heavily on the minds of some of the members of the Supreme Court in the *Schneiderman* case. It is unfortunate that the book was completed before the decision in the *Schneiderman* case was announced.—WALTER H. BENNETT.

The Army and the Law (Columbia University Press, 1943, pp. ix, 203, \$2.75), written by Professor Garrard Glenn in 1918, and now brought up to date by Mr. A. Arthur Schiller, sets forth with considerable erudition the common law principles governing the soldier, particularly the extent to which he is subject to civilian laws and courts. The emphasis is placed on principles rather than on the actual content of the law. The chapter on the constitution and the army, for example, does not attempt to set forth the body of constitutional law affecting our army, but is a discussion of a few of the basic principles where the Constitution touches the common law. The account of the historic position of the army in English law, and the influence of this history on the United States, is illuminating. The considerable argument for compulsory military service as a national policy seems somewhat irrelevant to the purpose of the volume. This edition is substantially identical with the first, except for the citation of recent cases. The final chapter of the first edition on *Martial Law at Home* has been omitted.—J. P. H.

FOREIGN GOVERNMENT AND POLITICS

Free China's New Deal (Macmillan Co., 1943, pp. xviii, 277, \$2.50), by Hubert Freyn, was prompted by the author's well-founded opinion that "the economic backbone behind China's fight is as vital to the United States as is American war industry to China." It is a survey of the economic resources of the fifteen provinces under the control of the National Government of China, and of the development of those resources under the pressure of wartime necessity. Part I, about half of the book, deals with Free China as a whole; Part II, with conditions in the several

provinces. In clear, concise fashion, Mr. Freyn covers problems and accomplishments in agriculture, mining, industry, transportation and communications, foreign trade, public finance, land-utilization, and living-costs. A half-dozen pages each are devoted to political reorganization and the postwar outlook. Five appendices provide significant documents, and there are twenty-four tables of statistics. The author's service under the Chinese Ministry of Information opened otherwise inaccessible archives without apparently influencing his treatment of materials. The book is a serious study which may be used with confidence, though its avoidance of political issues entails an incomplete estimate of the "New Deal." In cold facts, the surmounting of technical difficulties and resultant increases in production touch a deeper chord than mere admiration for an unbreakable will to live. Mr. Freyn supplies a large amount of fresh data upon such topics as new railway routes, forest resources, the application of research to cotton and tea cultivation, administrative agencies, trading across military boundaries, re-nationalization of the land tax, efforts to control inflation, and many others. He does not hesitate to include reference to the reluctance of capitalists and landowners to accept economic policies designed to distribute more equitably the burdens of industrialization and taxation. Governmentally, the emphasis noted is upon centralization. Federalism is no longer regarded as a practicable system; the provinces seem destined to become "mere book-keeping units." On the other hand, district and other units of local government are being authorized, as conditions permit, to enjoy a degree of home rule. Liberally administered, this program provides a training ground for members of the national parliament which the National Government has promised to establish within a year of the peace.—HAROLD S. QUIGLEY.

One of the most timely books to appear in recent months is *What To Do With Italy* (Duell, Sloan and Pearce, 1943, pp. 301, \$2.75). The volume is the joint product of two Italian-born professors of history at Harvard University—Gaetano Salvemini and George La Piana. It was written before the fall of Mussolini, though it did not appear in the bookstores until several weeks after that event. In certain places, the authors would undoubtedly have profited from a foreknowledge of the manner and circumstances of Il Duce's "resignation." Nevertheless, they were well aware that the end of the Fascist régime was near, and much of what they say is already proving quite prophetic. For example, their fears that an Allied invasion of Italy would merely result in "Fascism without Mussolini" would thus far seem to have some foundation. In the first part of the book, the authors discuss such questions as the responsibility of the Italian people for Fascism and for Italy's part in the war, and whether a monarchy or a republic is more suitable for that country. They show that oth-

ers besides the Italians made possible the survival of Fascism for over two decades, by reminding us of the many important American and British personages who found in Mussolini a "miracle man" and the "saviour of Italy." This unhappy story, as related here, would have been more effective had the authors been content simply to recall the facts without resort to sneers and heavy sarcasm. The record is sufficiently damning without any such embellishment. The best chapters of the book deal with the Vatican and the relations of church and state in Italy. The authors are critical of the policy of the Holy See, and of those governments which in their opinion have been too deferential toward it. They see no chance of a satisfactory political settlement in Italy until there is a separation of church and state. Peace planners would also do well to ponder what they have to say about the old and new generations in Italy, and to weigh the various concrete proposals which they put forward for the reconstruction of Italian society, economy, and government.—ROBERT GALE WOOLBERT.

When the final story of the fall of France is written, the figure of the old marshal, the "Victor of Verdun," will loom large in the disaster of the unhappy country. Francis Martel, in *Pétain; Verdun to Vichy* (E. P. Dutton and Co., 1943, pp. 226, \$2.50), furnishes a powerful indictment. His analysis of the dry and unimpressive staff officer who believed in defensive warfare goes far back into Pétain's career before the first World War. His great hour came when he was called upon to save Verdun from falling before German attack, although the victory was achieved at a terrific toll. From now on, Pétain considered himself the savior of France, and therefore he was deeply offended when, in 1918, not he but Foch was made supreme commander of the Allied forces. From this incident derives his deeply-rooted hatred of the English. After the war, he was the chief military adviser of most cabinets. His Maginot Line psychology was, of course, entirely incompatible with France's foreign policy of alliances, which called for an army prepared to come to the aid of her eastern allies when they were threatened. Thus the author makes Pétain responsible for Daladier's betrayal of Czechoslovakia at Munich and for the Polish disaster. But it was not only military reasons that influenced Pétain. During the postwar period he became more and more estranged from the democratic form of government. More and more he sympathized with rightist groups who favored the overthrow of the Republic. He and Weygand flatly refused military help to the Spanish Loyalists, and thus helped Franco into the saddle; he hated Russia, France's ally, and admired the dictators. This was the man to whom France turned in her hour of greatest distress. His name was then but a hollow shell around a rotten core. The story of how a conservative and irreproachable soldier, by his obstinacy, his rancor, and his vanity, finally became a traitor who handed

over his people to slavery is at once fascinating and heart-breaking. The minor characters in the drama—Flandin, Laval, Darlan, and others—take their due share in the course of events. This reviewer is not in a position to check the great number of details presented by the author, but he believes that the responsibility of the English appeasers is grossly underestimated. With the general thesis of the book, he thoroughly agrees.—HEINZ GURADZE.

John Black Sirich's *The Revolutionary Committees in the Departments of France, 1793-1794* (Harvard University Press, 1943, pp. xii, £38, \$2.50), should be assigned reading as a "corrective" for the "current event" and current "best seller" enthusiasts who lecture and write with utter conviction about the so-called late "Fall of France." Those who try persistently to understand and to interpret France and its political behavior for "the long pull" will certainly have need of this volume. To the historian of the Revolution, content with the easy generalization that "the provinces follow Paris," Sirich presents qualifying, if not contradictory, evidence. The irregularities, the "bewildering variation in the manner of enforcing—or not enforcing—the mass of laws poured out upon the heads of men quite unbroken to administrative duties" confirm the "conviction that the history of committees . . . cannot be written from the laws as passed in Paris, and . . . any statement made simply on the basis of those laws will be at least misleading if not entirely incorrect" (p. 206). Sirich notes (p. 5) the necessary limitations upon his own researches: the impossibility of visiting even a majority of the departmental archives. But he did get to those at Lyon, Bordeaux, Marseille, La Roche-sur-yon, Nancy, Lille, Grenoble, Carcassonne, Dijon, Orléans, Châlons-sur-Marne, Rouen, Châteauroux, Limoges, and Caen. The members of our own fraternity who have investigated French local government currently have clung closer to the statutes—and to the archives easily accessible from *Les Grands Boulevards*.—J. G. HEINBERG.

The Tariff Reform Movement in Great Britain, 1881-1895 (Columbia University Press, 1943, pp. x, 170, \$2.50), by Benjamin H. Brown, is an historical study of an aspect of the so-called "Great Depression" which occurred in Britain in the last quarter of the nineteenth century. The author endeavors to fill a gap which he feels exists in other studies approaching the subject exclusively from the economic or the political point of view. In the preface he indicates that his contribution "is the knowledge gained of that twilight region between economic circumstances and the formation of political and social policies." While the book painstakingly traces the attitudes and actions of agriculture and industry, labor and capital, Conservatives and Liberals, mother country and colonies, toward "fair trade" as against "free trade," the tariff issue in the period consid-

ered by this researcher does not offer the best opportunity to explore the interplay of economic and political forces. Tariff reform never emerged in the period under consideration as a major political issue, although it might have done so if the Irish question had not pushed all else into the background. The monograph, therefore, never rises to a worth-while crescendo. It continues in a monotone to recount the failures of the National Fair Trade League, the United Empire League, and other organized pressure groups, using familiar tactics, to generate enough enthusiasm to force protection, reciprocity, or imperial preference upon a "loyal opposition," much less a "government."—JOHN A. PERKINS.

The shape of postwar Canada is described in two books of quite different character. *Reconstruction in Canada* (University of Toronto Press, 1943, 148 pp., \$1.00) is a series of lectures by members of the University of Toronto faculty and edited by Professor C. A. Ashley. Chapters of general interest include: "The General Economic Setting," by R. H. Coats; "International Economic Collaboration," by J. F. Parkinson; and "Democratic Institutions," by A. Brady. The volume includes studies of specific aspects of Canada's postwar problem—soil and water, forest resources, water, construction, social services, housing, and town planning. Each lecture is a separate entity, although there is a thread of continuity in their common relation to postwar reconstruction. *Make this Your Canada* (Toronto: Central Canada Publishing Co., 1943, pp. 223) is a popular analysis of the Canadian economic and political scene from the standpoint of the Coöperative Commonwealth Federation, the rising third party whose recent electoral victories have made it a serious contender for power in the Dominion. The authors are Davis Lewis and Frank Scott, national secretary and national chairman, respectively, of the C.C.F. The book includes a statement of C.C.F. program and intentions in the event of attaining power.—H. GORDON SKILLING.

In *The Spanish Labyrinth* (Macmillan Co., 1943, pp. 384, \$3.50), Gerald Brenan gives an account of the social and political background of the Spanish Civil War. Part I discusses primarily the political problems of the monarchical period from "the Restoration" in 1874 to the Dictatorship. In Part II, the author sets forth in a masterful manner the sociopolitical problems of the Spanish working classes. His treatment of the highly complicated interplay of the ideas and activities of the Anarchists, the Anarcho-Syndicalists, the Carlists, and the Socialists affords much needed light to guide those who attempt to interpret modern Spanish affairs. Part III is a discussion of the Republican era, the complexity of which is made infinitely easier of comprehension by a careful reading of Part II of this excellent book. The thesis which the author seems to impress upon the reader is that, after all is said and done, one must describe

the Spanish social and political unrest of the past few decades as a result of Spanish "hatred of political shams." This unrest is best understood as the product of a craving for a richer and deeper social life. The Spaniards, the author tells us, believe that the ideal of human dignity and brotherhood can never be obtained by political means alone, but must be sought in a moral reformation of society.—W. M. Gibson.

In his *French Canada in Transition* (University of Chicago Press, 1943, pp. ix, 227, \$2.50), Everett C. Hughes presents a careful case study of the economic and social effects produced by the rapid industrialization of Cantonville, Quebec, which grew from a country town of 2,500 in 1911 to a community of 20,000 in the late thirties. Industrialization always tends to produce maladjustments. In the case of the community studied, special difficulties arose out of linguistic, religious, and cultural differences between the two chief population groups. For in Cantonville the ownership and management of the large new industries remained concentrated in the hands of English and American capitalists, while the labor force was almost wholly recruited from the near-by French Canadian rural population. The worker, therefore, has had to make not only the usual adjustments required when he moves from farm to mill, but also those necessary when he is subordinated to managers with a different cultural background. The book considers in detail the effects produced by this economic arrangement. There are interesting chapters on schools, churches, voluntary associations, social contacts, and political institutions. Special attention is given to the profound influence exerted by the Catholic Church. The study is based upon exhaustive personal investigation and research. Much valuable statistical material is included. The book is interesting, well written, and informative.—ELMER D. GRAPER.

One would think that every aspect of English feudalism had been thoroughly studied, for no country in medieval Europe has handed down more sources and challenged more studies than England. Yet Sidney Painter, in his *Studies in the History of the English Feudal Barony* (Johns Hopkins Press, 1943, pp. 211, \$2.00), shows that the internal, economic history of the barony had been seriously neglected. This neglect he attempts to remedy in a careful study of the feudal and non-feudal obligations, the resources (franchisal, feudal, and manorial), and the income of the barons from the twelfth to the fourteenth century—all this in relation to economic and political change. If on the economic side the decline of the feudal barony began in the twelfth century, because of the increased costs of waging war on the basis of knights' fees, the barons carried on a successful struggle with the kings in limiting their feudal obligations to the traditional amounts. Moreover, the barons limited the royal encroachment on their local jurisdiction, and acquired some of the judicial and

police powers of the sheriffs and local courts. At the same time, the personal relationship between the baron and his vassals gradually passed into a financial relationship, with the baron the loser in terms of wealth, power, and prestige. In short, by 1350, there were still barons and baronies, but they were no longer feudal. Such are Professor Painter's conclusions. There is no space for any criticism of particular points or of general conclusions, but it can be said that the author has challenged further studies by producing a useful and valuable monograph.—GAINES POST.

In his edition of *British Borough Charters, 1307-1660* (Cambridge: At The University Press, 1943, pp. lxvii, 241, \$5.00), Dr. Martin Weinbaum has sought to bridge the gap between the early morning of British urban growth, from 1042 to 1307, already surveyed by Mr. Ballard and Professor Tait, and the twilight of the unreformed municipalities, on the eve of 1835. Although the book represents a continuation of the work of Professor Tait (whose close coöperation is acknowledged in the preface) and of Mr. Ballard, the editor has revised the scheme of arrangement of materials applied in the earlier volumes. He has replaced the "classified and verbatim survey of all the clauses contained in the charters" with "a chronological and topographical calendar of digests," with the aim of presenting "a brief, but comprehensive *précis* of the chartered rights of individual British boroughs during three and a half centuries . . . , all in their respective chronological order and under counties as their natural setting." An analytical index of chartered rights complements this compendium of charters. Brief but illuminating comment is made in the introduction regarding the closer coöperation between central and local government, the progress of liberties, the amalgamation of rights, and incorporations; and an excellent bibliography is provided. Like its predecessors, this work will prove an indispensable handbook to the student of British local self-government.—WILLIAM L. SACHSE.

INTERNATIONAL LAW AND RELATIONS

Eugene M. Kulischer's *The Displacement of Population in Europe* (International Labour Office, pp. iv, 171, 1943, boards \$1.50, paper \$1.00) is an excellent book. This can be said in spite of the fact that no definitive study can now be made, that the sources available are often unsatisfactory, that there is a great chance of double-counting, that the picture changes from month to month and with the tide of every battle. The author is well aware of all this and has dealt with his assorted data with care and discriminating judgment. He begins with a discussion of the settlement of some 751,400 Germans and people of Germanic origin from the various corners of Europe in the Reich and in the newly annexed and protected territories. Not all these were racially Germans, as a goodly

number of others managed to be accepted in order to avoid what they considered would be a more precarious political overlordship. The second section, covering the movement of non-Germans who have been forced to leave their homes, is divided between Jews and non-Jews. In the neighborhood of four million Jews have been uprooted in one way or another. To complete the picture, an examination is made of the mobilization of approximately five and one-half million foreign laborers by Germany, both civilians and prisoners of war. In each of the three parts of the study, the problem is first considered as a whole and then each country is taken up separately. Throughout, the emphasis is on the numbers shifted, place of origin, and destination. Little attention is given to the methods of transfer or, in the case of labor, to its qualitative efficiency. There are able summaries in which excellent tables and maps play no small part. In all, an estimated thirty million people have been displaced in Europe, not counting those millions moved within the boundaries of a country because of bombing, transfers to new centers of war industry, etc. Whether the post-war reconstructionists attempt to solve this great human problem by repatriation, by renewed resettlement, or by emigration, it is clear that international coöperation and organization is necessary. The author shows that simple repatriation is no solution, since "labor requirements in post-war Europe will not necessarily correspond to the prewar distribution of European population" and "redistribution of labor may be necessary if full employment is to exist."—E. C. HELMBREICH.

The publication of a well informed and thoroughly documented study of Brazil's foreign policy in the years 1930 to 1942 is most timely and of great value to all students of Latin American affairs. Jayme de Barros' *A política exterior do Brasil, 1930-1942* (Rio de Janeiro: Zelio Valverde, 1943, pp. 308) deals with the critical years of Brazilian foreign policy, and will greatly contribute to a more balanced picture of inter-American relations. We too often view the complex evolution of these relations in the narrow perspective of the Latin American policy of the United States. The unilateral character of the Monroe Doctrine is often reflected in American studies of inter-American diplomacy. The author occasionally displays official adulation—inevitable, perhaps, in the contemporary political climate of his country. At the same time, his excellent study proves on the basis of extensive documentation that the internal régime of Brazil under Vargas did not interfere with a foreign policy consistently devoted to the defense of the vital interests of the Western Hemisphere. True enough, after the fall of France President Vargas gave public utterances suggesting that democracy was doomed. However, he should not be condemned too harshly on that score; most Continental Europeans and some Americans shared that view in the critical months after Dunkirk. The main fact which stands out in Jayme de Barros' account is the sincere deter-

mination of Brazil to develop stable foundations of inter-American solidarity. If the inter-American conferences of the last ten years were, on the whole, successful, credit must be given not only to the far-seeing statesmanship of men like President Roosevelt and Mr. Sumner Welles, but also to the governments of Brazil and Mexico. While at one time the Monroe Doctrine implied for some Latin Americans the meaning of "America for the Americans . . . of the North" (p. 148), today the Doctrine has become increasingly continentalized. Brazil has greatly contributed to this transformation. Finally, one of the main values of the book lies in the analysis of Brazilian mediation and conciliation in several serious disputes and conflicts among South American nations. The foreign policy of Brazil in the last thirteen years shows that if we desire to understand political systems in Latin America we must first give up some erroneous misconceptions and over-simplifications borrowed from the political experiences of Europe and the English-speaking world—
WILLIAM EBENSTEIN.

War and Peace Aims of the United Nations (World Peace Foundation, 1943, pp. xi, 730, \$2.50), edited by Louise Holburn, is a compilation of documents from September, 1939, through 1942. Included within the scope are states which had signed the United Nations Declaration, American republics which had severed relations with Axis Powers, the French Republic to June, 1940, and Fighting France. In contrast to the topical arrangement of *War and Peace Aims*, which has appeared in two supplements to the *United Nations Review*, this collection is designed primarily to show the historical evolution of each country's policy regarding war and peace goals. Agreements between states and speeches of heads of governments and foreign ministers form the bulk of the book, supplemented by statements of other administrative officials. Appendices give views of churches and of American and British minority political parties. Professor Hajo Holborn has written an introduction to the volume. A subject-index and bibliography are included. Approximately 140 pages each are allotted to the United States and the United Kingdom. Russia and China, respectively, receive about 25, compared with 40 each for Czechoslovakia and Poland. Peace aims loom larger in the speeches than war aims, as the struggle turns in favor of the United Nations. The collection facilitates research on the views of statesmen regarding punishment of war criminals and regarding peace goals for Europe, for the Orient, and for the organization of international society. The future of India is included through an annex containing British declarations, and also through expression of Chinese views. Recent events, such as the Moscow and Middle Eastern Conferences, already make the compilation somewhat outdated. In his foreword, Leland M. Goodrich, director of the World Peace Foundation, suggests a supplementary volume. A revi-

sion which would eliminate some of the earlier or less significant speeches seems to the reviewer preferable.—LUCRETIA L. ILSLEY.

Since the world's attention is mostly concentrated on military events and the diplomacy of the "Big Three," relatively little is heard about the occupied countries and their governments-in-exile. *Czechoslovakia Fights Back* (American Council on Public Affairs, 1943, pp. 210, cloth \$3.00, paper \$2.50) is a document of the Czechoslovak Ministry of Foreign Affairs-in-Exile, giving in English the record of this country's unhappy five years since the Munich Agreement. It starts with the dismemberment and proceeds to the destruction of independence in March, 1939. It analyzes in detail the mechanism of the German "Protectorate of Bohemia and Moravia," records the political and economic destruction of the country, the persecution of Jews, Protestants, and Catholics, pictures the spirit of defiance by the Czechs, tells the story of Czech resistance under von Neurath and under the much more brutal régime of Heydrich and his successors. It bitterly complains about the farce of "independent" Slovakia, about Hungarian annexations, about Czech and Slovak Quislings. It finally gives a full picture of the activities of the government-in-exile under Dr. Beneš, tending toward the reestablishment of pre-1938 Czechoslovakia in coöperation with the United Nations. The government's cautious attitude toward Poland and the new alliance with Russia, on strictly anti-German lines, clearly foreshadow the new, postwar Europe, in which France has disappeared as a Great Power, whereas the Soviet Union, in the words of a recent London speech of Field Marshal Jan Smuts, becomes "the mistress of Europe."—JOSEF L. KUNZ.

Africa, the Near East, and the War (Berkeley and Los Angeles, University of California Press, 1943, pp. xii, 212, \$1.50) contains six lectures delivered under the auspices of the Committee on International Relations on the Los Angeles campus of the University of California by professors of that university in the spring of 1942. The subject of the lectures is Africa's rôle in the present war and the background of the problems involved. Excellent is Professor Breasted's opening lecture on Arab nationalism as a direct offspring of European imperialism. The author mercilessly tells the story of Arab frustration through British double-dealing with the Arabs, the French, and the Jews, and through French unreliability as a mandatory power in the Near East. Holding political Zionism unworkable, he surveys the progress of Arab nationalism in the main regions of the Near East. Highly interesting is Professor Klingberg's lecture on the Negro, who constitutes the overwhelming mass of Africa's population and thirty millions in other continents, especially the Americas; he tells of the unfortunate history—or lack of history—of the Negro, the slave trade, the European partition of Africa, and the exploitation of the natives, and

expresses his belief in the rise of the Negro, who, unlike the Red Man, is here to stay. Professor Uren demonstrates with regard to Africa and the Near East the truth of the finding that the quest for oil is one of the main reasons of modern imperialism: oil is empire! Professor Loeb develops his conservative theory that, despite modern air-power, the big battleship is by no means obsolete. Professor Steiner traces the military struggle for Africa, which began years before the present war, with the Italian assault on Ethiopia in 1935. Finally, Professor Graham gives a survey of the diplomatic struggle for Africa from 1878 to the Axis projects for partition of the continent in 1940-42. In this survey, he shows himself a rather unconditional enthusiast of the entente-cordiale African scheme of 1904. In general, these six lectures, given by men highly qualified in their respective fields, constitute an important contribution to the knowledge and understanding of the problems with which they deal.—JOSEF L. KUNZ.

The appearance of Henry C. and Anne D. Taylor's *World Trade in Agricultural Products* (Macmillan Co., 1943, pp. xviii, 286, \$3.50) and John D. Black's *Food Enough* (Jaques Cattell Press, 1943, pp. x, 269, \$2.50) provides competent insight into the political implications of trade in agricultural products and the question of supplying the people of the world with adequate food. The reader will be definitely impressed with the importance of these implications in the handling of these problems by the nations of the world both during the war and in the postwar period. Each book, in its special field, brings together a complete summary of the subject, with expert interpretations. The first is based largely on material gathered by Professor Taylor while he was the United States member of the Permanent Committee of the International Institute for Agriculture at Rome. Agricultural products of trade are given individual treatment. Some products, such as cane sugar, tea, and rice, are shown to have played a part in the rôle of imperialization of nations, others in the rôle of nationalism of nations. The inter-war period brought major changes in the volume, character, and direction of world agricultural trade. In seeking to solve some of the problems concerning these commodities in trade, some suggestions may be found in arrangements like the International Wheat Agreement. The influence of national policies and international agreements on the extent, character, and direction of commodity trade in agriculture is analyzed and described in maps, graphs, and tables as well as in the text. Geography has imposed certain interdependence among nations. National policies have brought reversals in what was originally imposed by geography. "Surplus" and "deficit" areas make more difficult the establishment of policies. In the second of these books, Professor Black gives in very interesting fashion a rather complete general picture of the food situation, and with observations on the "new

declaration of independence" written at the recent United Nations Conference on Food and Agriculture. *Food Enough* suggests, not the idealistic, but rather the realistic. In attaining the goal of food enough, the United States may well, and probably will, play a major part; but there must be coöperation from nations in need of rehabilitation, which must survey their nutritional needs as well as furnish as much food as they can. More immediately, there are the questions of food for our armed forces, for civilians, for war-workers, for our allies and friendly nations. In securing it, such problems as man-power, machines, and materials must be considered. In view of the fact that we have serious nutritional needs at home, securing "freedom from hunger" is to be recognized as a major challenge to government and our experiences in price control and rationing as a mere beginning. Helpful tables and charts add to the value and interest of this work.—H. C. COOK.

As a rule, books on the Dutch East Indies are written by specialists for specialists, or else they are superficial travellers' accounts. Bernard H. M. Vlekke's *Nusantara; A History of the East Indian Archipelago* (Harvard University Press, 1943, pp. xv, 439, \$5.00) steers a middle course. It is a history of the East Indies from prehistoric times to the Japanese conquest in 1942. It is a sound and scholarly work, and at the same time it is interestingly written. The author covers the economic as well as the political history, and his description of the governmental structure is adequate without being overburdened with detail. Readers will probably find the last three chapters on the period from the late nineteenth century onward the most interesting. They include an account of the growth of the Indonesian nationalist movement, and of the Dutch policy of self-government by instalments. The native political leaders had very slight influence over the overwhelming majority of the population; and they dissipated their strength by their inability to coöperate with one another. Dr. Vlekke stresses a fact which is not sufficiently well known, that during the Japanese invasion the Indonesians loyally supported the Dutch, as far as an unarmed and untrained civilian population could resist a powerful enemy.—LENNOX A. MILLS.

In Sax Bradford's *The Battle for Buenos Aires* (Harcourt, Brace and Co., 1943, pp. 307, \$2.50), the main theme is the attitude of Argentina toward World War II. The months which the author sojourned in that country were spent to good advantage; for this volume is packed with journalistic impressions of Argentine society and politics, with an occasional commentary on other Latin-American countries. As Bradford envisages the situation, "Argentina, with its hot head in the Chaco jungle, its feet white in the eternal snows of Patagonia, its right side the towering

Andes and its left the shores of the south Atlantic," has been the beach-head for Nazi, Fascist, and Falangist infiltration into Latin America. More localized than Fernandez Artucio's book on the Nazi underground in South America, it is deeper in its penetration and is enlivened by many quips. Here and there Bradford's account is illuminated by quotations from *La Nacion* and *La Prensa* of Buenos Aires and from the report of the Damonte Taborda Committee. *El Pampero* and the Nazi Decalogue are discussed in terms that cannot be called complimentary. Though this book has no bibliographical apparatus and lacks an index, it is perhaps the best single treatment of pro-Nazi machinations in South America.—WILLIAM SPENCE ROBERTSON.

One of the most important problems facing the American people is the question of what kind of international government should be set up after the war. *Reconstituting the League of Nations* (H. W. Wilson Co., 1943, pp. 304, \$1.25), compiled by Julia E. Johnsen, and constituting No. 7 of Vol. 16 in the popular series known as "The Reference Shelf," gives the reader a detailed account of the differences of opinion as to how this problem should be solved. The contributors to this compilation give the familiar reasons why the League of Nations failed, such as the non-membership of the United States, the unanimity rule of the Council, the confederation character of the Covenant, the financial dependence of the League on member states, the lack of adequate provision to effect peaceful change, the rise of the dictators, and the depression of the thirties. Friends of the League emphasize, however, that the organization is still in existence, even though weakened, and that after two decades of experience we know the causes of its failure and can remedy them. Opponents of the League point out that even the name is discredited. They advocate the establishment of a new organization with financial independence and sufficient military power of its own to preserve peace.—ROBERT S. MCCORDOCK.

Not just another of the SOS (Students Outline Series) is the *Outline of American Foreign Policy* (Longmans, Green and Co., 1943, pp. iv, 136, \$0.75), by Walter B. Norris. This is a careful topical outline of the foreign policy of the United States, with each topic treated chronologically. It should be useful to college students, candidates for the Foreign Service of the United States, and citizens interested in our foreign policy. Scholars in the field will note that all the references to treaties are to Malloy and will look in vain for references to the more recent Miller series.—ROBERT W. McCULLOCH.

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THE LEADERSHIP OF THE UNITED STATES IN THE POSTWAR WORLD*

CLARENCE A. BERDAHL

University of Illinois

It is now more than one hundred years since the substance of the Connally Resolution was first adopted by a legislative body in the United States;¹ it is almost fifty years since the United States, at the Hague Conferences, took the lead in pressing for an international court with much more power than the Court we have since failed to join;² it is about thirty-five years since Congress itself, by a unanimous vote in both houses, adopted a resolution urging that the United States Navy be combined with other navies into an international police force for the preservation of peace;³ it is not quite thirty years ago that the political parties, without any of the present hullabaloo on the point, and at a time when the United States was not itself at war, achieved such a unity of position in their stand for effective American participation in world order as to make debate between them on that issue virtually nil;⁴

* An address delivered at the thirty-ninth annual meeting of the American Political Science Association, Washington, D. C., January 20, 1944.

¹ Resolution adopted by Massachusetts state senate in 1832 (by vote of 19 to 5), and by both houses of the Massachusetts legislature in 1837, denouncing war, urging the substitution of machinery for peaceful settlement of disputes, approving a congress or court of nations as the best practicable method of peaceful settlement, and recommending that the President negotiate with other governments to secure such an institution. Seven other state legislatures adopted similar resolutions during the next fifteen years.

² The American delegates to the First Hague Conference, in 1899, proposed an international court, with compulsory jurisdiction, and otherwise, as the delegates explained in their report, similar to the U. S. Supreme Court. See full text of the plan in *U. S. Foreign Relations, 1907*, Pt. 2, pp. 1143-1144.

³ The so-called Bennett-Lodge Joint Resolution of June 25, 1910 (presented to the Senate by Senator Lodge). *Cong. Rec.*, Vol. 45, Pt. 8, pp. 8545-8548, 8874 (61st Cong., 2nd Sess.); 36 Stats. 885.

⁴ See analysis of the platforms and campaign of 1916, in Berdahl, *The Policy of the United States with Respect to the League of Nations*, pp. 33-35.

and it is not quite thirty years ago that the man soon to become the Republican leader in the Senate joined from the same platform with the Democratic President in an appeal for a League of Nations, and a League with force, both economic and military, at its command.

That appeal of Senator Lodge was so eloquent an argument for responsible participation of the United States in world organization, and at the same time so accurate a prophecy of the difficulties that were to arise then under his own leadership, and that may arise now under the leadership of others, that some paragraphs deserve quotation and re-quotation. This is what he said in 1916:

"The limit of voluntary arbitration has, I think, been reached . . . I think the next step is . . . to put force behind international peace, an international league or agreement, or tribunal, for peace. We may not solve it in that way, but if we cannot solve it in that way, it can be solved in no other. I know, and no one can, I think, know better than one who has served long in the Senate, . . . no one can, I think, feel more deeply than I do the difficulties which the League [to Enforce Peace] has undertaken. But the difficulties cannot be overcome unless we try to overcome them. I believe much can be done. Probably it will be impossible to stop all wars, but it certainly will be possible to stop some wars and thus diminish their number . . . I know the obstacles. I know how quickly we shall be met with the statement that this is a dangerous question which you are putting into your agreement; that no nation can submit to the judgment of other nations, and we must be careful in the beginning not to attempt too much. I know the difficulties which must arise when we speak of anything which seems to involve an alliance. But I do not believe that when Washington warned us against entangling alliances he meant for one moment that we should not join with the other civilized nations of the world if a method could be found to diminish war and encourage peace. It was a year ago [1915] that, in delivering the Chancellor's address at Union College, I made an argument on this theory, that if we were to promote international peace at the end of the present terrible war, if we were to restore international law as it must be restored, we must find some way in which the united force of the nations could be put behind the cause of peace and law. I said then that my hearers might think that I was picturing a Utopia, but it was in the search for Utopias that great discoveries have been made. Not failure, but low aim, is the crime."⁵

⁵ Speech of Senator Lodge before the League to Enforce Peace, May 27, 1916. Lodge, *The Senate and the League of Nations*, pp. 131-132; *Enforced Peace* (Proceedings of the First Annual Assemblage of the League to Enforce Peace, May 26-27, 1916), pp. 164-166.

I need not enumerate further to recall with emphasis that until the end of the last World War the record of the United States was one of almost continuous leadership in respect to the problems of world organization and world order, with lapses on occasion, with bombast on other occasion, with numerous failures in achievement, but leadership for all of that. By contrast, our policy between the two wars has been vividly but quite accurately summed up by a distinguished commentator in these words: "We will not be represented at Geneva. We will not be represented at The Hague. We will not take an effective part in any economic conference. But there is one place where we will be represented, and that is the battlefields."⁶

There are still international anarchists among us—persons who accept as a matter of course a domestic order, with government and law and courts and sheriffs and restraints on the individual's right to do as he pleases, but who oppose similar institutions for the world as a whole, as too much of an interference with our national right to behave (or misbehave) as we please, as too impossible of achievement, and therefore not to be even attempted, as probably not productive of the millennium even if established, and therefore to be rejected with a sneer as merely fixing the status quo. Some of these international anarchists are merely tired liberals, weary of the unending struggle for complete and exact justice; some are, unfortunately, still in strategic positions in the United States Senate. On the whole, however, the inexorable course of events begun at Pearl Harbor, if not at Dunkirk, seems finally to have persuaded us as a people that anarchy does not pay internationally any better than nationally or locally, that if we do not wish to be represented on the battlefields we would better be represented in institutions that may somehow make recourse to the battlefields less necessary, less likely, or at any rate, less frequent. The promise of effective American participation in the postwar world implied in the Atlantic Charter seems now finally clinched by the Moscow, Cairo, and Teheran Conferences, and by the Fulbright and Connally Resolutions.

"The Governments of the United States of America, United Kingdom, the Soviet Union, and China: . . . Conscious of their responsibility to

⁶ Professor Zechariah Chafee, quoted in *The American Scholar*, Vol. 11, p. 383 (Summer, 1942).

secure the liberation of themselves and the peoples allied with them from the menace of aggression;

"Recognizing the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments; jointly declare:

"1. That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

"4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security."

This stirring and solemn pledge from the responsible statesmen at Moscow, reaffirmed by the still more responsible heads of governments at Teheran, and incorporated into the Connally Resolution by an almost unanimous vote of the United States Senate, would seem to settle the matter of whether or not there is to be an organized postwar world and whether or not we are to have a part in it. Perhaps we may at last take for granted that this time the United States will not only participate in a world organization, but will also recognize its own responsibility as a Great Power and continue to assert in the postwar world the leadership which it has definitely asserted in the world of war. Perhaps it may even be taken for granted that the American people, with only few exceptions, now at long last understand why this must be so—that it is not merely because there can be no effective world organization without us, and that we must go along in order to preserve the peace in Europe, in Asia, in Africa, anywhere in the world; but also because it is the only way to preserve the peace for ourselves and save our own civilization, our own institutions, our own skins. As Senator Lodge so well put it in 1916, "We may not solve it in that way, but if we cannot solve it in that way, it can be solved in no other." We have tried the other way of world anarchy quite long enough, and it is now high time that we try this way of world organization as a last hope of saving ourselves and our way of life.

The cause of world order and world peace was lost before, I think, partly because of the heavily sentimental approach that was

made by too many of its advocates. There was too much talk of saving Europe and saving the world, and not enough about saving the United States and ourselves, and the American people became tired of saving others. Already there are those who would again confuse the issue by crying out that it is none of our business to save the British Empire, just as though we had entered the war for that purpose, and just as though there were no relation at all between the destruction of that Empire and our own safety; there are those who would confuse the issue by comparing the vast numbers of tanks and planes and guns we have furnished to Russia with the so-called "trickle" of supplies to our own MacArthur, just as though the preservation of the Russian armies as a fighting force were a sentimental or a foolish gesture toward communism and had no relation to the defeat of our own enemies; there are even those who still assert, as they did before Pearl Harbor, that our lend-lease policy was designed to save England, just as though we could possibly have let England fall and the British Navy surrender and yet ourselves hope to survive.

What I am trying to say is that the "idealistic" motive of saving the world is thoroughly involved in the "realistic" motive of saving the United States; one is actually as realistic as the other; neither is realistic without the other. This is also the concept of collective security, never better stated than by Secretary of State Stimson, in respect to the implications of our own Kellogg Pact: "In the new international world . . . the basic idea is that war anywhere is of concern everywhere"; or by Secretary of State Hull, in respect to Manchuria: "The promotion of peace, in no matter what part of the world, is of concern to all nations."⁷ And probably most Americans now understand this, in spite of the attempts on the part of a few—some through ignorance, some through malice—to

⁷ Address of Secretary Stimson at Pittsburgh, Oct. 26, 1932 (*N. Y. Times*, Oct. 27, 1932, p. 4); and reply of Secretary Hull to Secretary General Drummond, accepting invitation to the U. S. to sit on the League of Nations Assembly's Far Eastern Advisory Committee (*ibid.*, Mar. 15, 1933, p. 12).

The other point of view was expressed by the *Chicago Tribune* (in an editorial in 1928, "The Virtue of Minding Our Own Business"): "The professors agree that peace is a desirable thing and we assure them it is just as desirable for the American people as for any other. The United States has been granted the most favorable terms for minding its own business. The responsibility of the American government in keeping other nations at peace is rather less than its responsibility in keeping the American people out of war."

confuse the issue. And because the people now understand this, it may, I think, be assumed that they are ready and eager for the leadership of the United States in such a postwar world order as will ensure our safety, if not perfectly, at any rate better than before. An emphasis on our own self-interest, our own safety, and our own need for these world institutions of government, law, courts, and sheriffs seems to me highly important.

If we may, then, assume a desire for, a commitment to, and the probability of United States participation and leadership in the postwar world, the question remains as to the nature and extent of such participation. Here I shall attempt to state only a few general propositions which seem to me appropriate or necessary in the light of past experience and future probability. I am quite sure that these propositions, when stated, will seem to many so obvious as hardly to deserve restatement at all, although to others they will probably also seem both arguable and ill-argued, and therefore not deserving of restatement.

The first of these propositions is that our participation in international affairs must be official in every sense of the word, and that it must be participation under a clear sense of responsibility. If there is any feature of our policy following the last war that should be thoroughly repudiated, it is that development of a form of participation which could be claimed as unofficial and therefore not really participation at all if it hurt the feelings of a United States Senator or if it involved responsibilities we were unwilling to assume, but which could also be claimed as really participation if the criticism of pro-Leaguers got too hot or a political campaign was on or the results were such that we wanted some of the credit. That completely irresponsible and evasive policy had its roots in our separate peace treaties, so drawn as to *seem* separate from the "vicious" Treaty of Versailles, and yet not to be separate at all but actually to take over, by a unique process of indexing, most of the Versailles provisions, including all of those we later declaimed against so loudly.⁸ This confused the matter of our legal as well as our moral responsibilities to such an extent that President Hoover was able with a straight face to explain our aloofness from the problem of German disarmament, when we wanted to be aloof and

⁸ See my article, "Myths about the Peace Treaties of 1919-1920," in *The American Scholar*, Vol. 11, pp. 261-274 (Summer, 1942); reprinted in *Int. Conciliation*, No. 383 (Oct., 1942).

were aloof, by saying: "We are not a party to the Versailles Treaty and its limitation on German arms. That is solely a European question";⁹ although he might, with a better sense of responsibility and with more complete accuracy, have said: "We are a party to the Treaty of Berlin, which takes over the provisions of the Versailles Treaty in respect to the limitation on German arms. That is, therefore, not solely a European question, but is a question for the United States as well." A group of lawyers did in later years rather sharply call the attention of our government to precisely these provisions and to the resulting responsibility of the United States in permitting the sale of arms to Germany and therefore furthering the rearmament of Germany. These lawyers clearly caught our government off guard and confused by this peace treaty which was at the same time separate from and yet not separate from another peace treaty.

With this kind of legal quibbling made possible by the very method of our peace-making, it is not, perhaps, surprising that our participation in international institutional activities should run the entire gamut, in kind and in degree, of responsibility from unofficial observers to official observers to "official representatives acting in an unofficial capacity" (as Secretary Hughes described them) to completely official representatives. I am not sure that this is the entire list, for I myself found at least one instance where our representative at a League of Nations conference could only be described as a "footnote observer," since he was listed, clearly at the desire of our own government, only in a footnote,¹⁰ and must therefore have ranked lower and had even less official character than those other observers listed for other League conferences in the headnotes or in the regular text of the proceedings.

The exact difference in function and responsibility between these

⁹ Statement issued Sept. 30, 1932, in connection with the Disarmament Conference. *State Department Press Releases*, Sept. 24, 1932, p. 183.

¹⁰ At the League of Nations Conference on Concerted Economic Action, the list of delegations and observers was followed by this footnote explanation: "In addition to the Delegations and Observers, Mr. Edwin C. Wilson, First Secretary attached to the American Embassy in Paris, has been instructed by the United States Government to be present in Geneva for the duration of the Conference and to associate himself with the American Consulate at Geneva with a view to obtaining information regarding the developments of the Conference." *Proceedings of the Preliminary Conference with a view to Concerted Economic Action* (Geneva, Feb. 17-Mar. 24, 1930) (C. 222. M. 109. 1930. II.), p. 69, n. 1.

different kinds of representation was never clear, even to the representatives themselves, so that on one occasion the American representative on the Child Welfare Committee of the League of Nations not only participated freely in the discussion, but actually voted, and then discovered afterwards that she was not that much official and should not have voted.¹¹ Nor was the official character determined, apparently, on any logical lines of interest or importance or function, or even of involvement in matters political; it seemed to be quite hit and miss. Thus we came eventually to participate in a completely official manner in the League's activities with respect to child welfare and opium, but our participation is still only unofficial, although extensive, in respect to health, white slavery, and obscene publications; while in respect to communications and transit and some phases of the League's economic activities we have hopped in and out, now officially, now unofficially, now officially, and so on. Our participation in the Lytton Commission, sent to investigate and report on the extremely broad, complex, and dangerous Manchurian phase of the Sino-Japanese conflict, was complete and on exactly the same basis as that of any League Power, although it inevitably brought us into close relations with the League, whose agency the Lytton Commission was; but a few months later the same American government declined to participate to the same extent in the commission set up to investigate and report on the bloody but more limited Shanghai incidents, because, as the Secretary of State explained, the Shanghai Commission would be acting "under the provisions of one of the articles of the Covenant." An American representative was indeed appointed, but was allowed only to "coöperate," not to "participate"; although Mr. Cunningham, our consul in Shanghai, himself did not know exactly what that meant, and apparently participated about as did the other members except for formal signature, and had to cable for instructions whether to sign or not to sign the reports—reports consequently delayed by so much in their transmission to Geneva. In dealing with these events on an earlier

¹¹ Similarly, Miss Grace Abbott, attending the League's Advisory Committee on Traffic in Women and Children in 1923 as the first representative of the United States, not only took active part in the discussions, but submitted proposals and even voted, although describing herself as a "consultative" member. *Minutes of Advisory Committee on Traffic in Women and Children*, 2nd Session, Mar. 22-27 1923 (C. 225. M. 129. 1923/IV.), esp. pp. 26, 31.

occasion, I pointed out that our policy "thus seemed to hinge upon a fine distinction between 'participation' and 'coöperation,' between different articles of the Covenant, and between the areas of conflict."¹²

Another aspect of this kind of irresponsible approach to international problems was the tendency toward evasion by the invention of new names to cover up what was actually being done. For example, having decided that we were interested in disarmament, we began to participate in the League's Preparatory Disarmament Commission. We were, however, still committed to the notion that we could not be interested in security, since that would entangle us in Europe, and hence we refused point-blank to have any part in the Committee on Arbitration and Security set up by the Preparatory Disarmament Commission to study the relation between those questions and disarmament. The Committee on Arbitration and Security was therefore changed to Subcommission A, but with essentially the same functions, and now our delegates sat and participated about as did other delegates. In more recent years, our government became rightly indignant about slavery and other evil conditions in Liberia, and coöperated wholeheartedly with the League of Nations in an attempt to remedy that situation; our representative sat on a Council committee on a completely equal basis with members of the Council, but our government felt obliged to refer to this Council committee as the International Committee on Liberia, thus watering down its association with the League of Nations. Many more instances of the kind could be enumerated, some important, some trivial, but I am sure these are quite enough to make my point clear, that our policy has been governed altogether too much in the past by a spirit of irresponsibility; and this, it seems to me, should be completely changed, once and for all, as it was already in process of change even before Pearl Harbor. If we take part at all in world affairs, as we now seem ready to do, we should do so officially, responsibly, and with the dignity befitting the Great Power that we are.

The second proposition I would suggest is that our participation must be complete. I need hardly do more than remind you of the laborious distinction developed in these twenty-five years between

¹² See my articles, "Relations of the United States with the Council of the League of Nations," in this *Review*, Vol. 26, pp. 503-526 (June, 1932); and "American Foreign Policy," *Amer. Jour. Sociol.*, Vol. 38, esp. pp. 847-849 (May, 1933).

political and non-political functions, and of the related theory that in the non-political we could safely take part and rightly should take part, even though such participation might bring us into association with the League of Nations, while in the political we could not and must not take part, because that would somehow involve us in Europe. Even the Republicans, as early as 1924 and 1928, boasted in their platforms of our government's coöperation with the League of Nations in social, humanitarian, and technical matters; and again and again we have been reminded by some of our statesmen of the greatness of our contributions in this sphere of international activity.

It is, of course, on this theory of its non-political character that we have coöperated ever since 1923 in the League's regulation of the opium traffic, and for many years now in a completely official manner for certain features of that regulation, although again not for all. But we should also remind ourselves that it was in connection with this very business of opium regulation that the American representative on the League's Opium Advisory Committee (Mr. Stuart J. Fuller, of the State Department) publicly charged the Japanese with violating their pledges by encouraging the cultivation of the poppy in Manchuria, and charged them with doing so in order to spread the use of opium among the Chinese and thus break down their moral fiber and their power of resistance to the Japanese aggression—charges as highly political as anything could well be.

The distinction between political and non-political breaks down on analysis, with respect not only to opium, but also to health, communications, white slavery, black slavery, and almost any other problem. That is to say, social, economic, and technical problems have their political aspects, and there is no use pretending they do not; when the Rockefeller Foundation begged the League officials not to publicize its generous gifts to the League's health work, and when the United States Government was hesitant about official coöperation in this health work, I take it the reason in each case was fear of political repercussion.

I am, of course, not arguing at all that there are no advantages in the functional organization of international activities, nor that the development of representation of an expert and technical, rather than of a political character, in certain of these activities, is undesirable. I am merely trying to point out that when the distinction between political and non-political, or any other distinc-

tion for that matter, is emphasized in order to draw us in, or to justify ourselves in going in, it is unrealistic because the distinction is never entirely clear and because it did not work. (I am not now thinking of the present war, but of Mr. Prentiss Gilbert seated at the Council table in the Manchuria affair, of Mr. Charles G. Dawes working with the Council in the same affair, although from the Hotel Ritz across the Seine, of Mr. Hugh Wilson and Mr. Leland Harrison sitting with the Assembly's Far Eastern Advisory Committee in the still later stages of that affair. I might be thinking of the Chaco and of the Disarmament Conference and of other political matters. It is also dangerous, because it serves equally well as an excuse to stay out by simply calling a function or an agency political. It seems to me something like the constitutional concept of the police power, which was invented by the courts as an affirmative doctrine in order to permit states to legislate in spite of the Fourteenth Amendment, due process of law, and the rest of it, but which in time was construed by the courts, as Justice Holmes so well pointed out, into a negative doctrine which was itself a new restraint on state power.

The point is that a Great Power like the United States must needs be concerned with all these problems—political, non-political, social, economic, humanitarian, technical, or what not. For about a quarter of a century, we tried to forget that we were a Great Power and tried to limit our activities and our responsibilities. We tried to do that then by cultivating the non-political activities, although even there we picked and chose more or less at random, and by persuading ourselves that the political activities, i.e., those relating to war and peace, were none of our concern. My fear is that now we may reverse ourselves completely, and in our new zeal for security try to pretend that these other problems are too trivial to require our attention. Lord Robert Cecil stated pretty well the importance of full participation in all these various activities in these few words:

"Whatever territorial or financial arrangements are made, the two vital problems to be solved will be the Maintenance of Future Peace, and Economic and Social Reconstruction. These problems are closely related. Peace is essential to Reconstruction; Reconstruction is vital to Peace. Both depend on the Supremacy of Law."¹²

¹² Memorandum on World Settlement after the War (prepared for the League of Nations Union, Sept., 1940), in Viscount Cecil, *A Great Experiment*, App. III, pp. 367-368.

The third proposition I would suggest is that our participation must be on a world basis and not limited as to area. Shortly before Pearl Harbor, a group of top-notch students participating in a national contest on the appropriate foreign policy of the United States shocked me by what they wrote. I knew they were thoroughly imbued with the pacifism and isolationism then rampant, and I expected something along those lines. I was not greatly surprised, therefore, but only distressed, when the papers argued for our complete abstention from the British struggle against the Nazis, for complete and permanent isolation, commercial and political, from Europe; but I was shocked to find that with respect to Latin America the argument was neither pacifistic nor isolationist, but blatantly nationalist and crassly imperialist. They had grasped the idea that the United States might actually be in danger from German aggressions across the Atlantic when England should fall, and the notion of "hemispheric defense" had caught their fancy. The United States should therefore save itself by building up its own defenses, establishing bases throughout the Latin Americas by force if necessary, taking over the newspapers in the Latin Americas if necessary to protect ourselves against enemy propaganda, and so forth.

This student performance is not untypical of a considerable feeling that existed before Pearl Harbor, and some of which still persists, that somehow or other this hemisphere is the area for us, that if only we stick here and exercise a compelling leadership here, we shall be safe, and that we only burn our fingers when we mess around in other areas of the world, especially in Europe. I believe it was a Brazilian statesman who remarked, on the successful conclusion of one of the recent Pan American conferences which produced hemispheric solidarity, that this was fine so far as it went, but would be completely futile, and even dangerous, if the solidarity were not carried beyond this hemisphere. That point need hardly be argued while our fighting forces are in every corner and in almost every spot on this earth; and probably most of us know now that there can be no more isolation from any area. There never was this isolation, in fact. I merely remind you (for space is lacking for a discussion of the point) that in addition to our long-standing and generally accepted interest in the Far East, we vigorously insisted, by strained legal argument on the basis of a treaty which we thought we had rejected (the Treaty of Versailles) and of another

treaty we never even signed (the Treaty of Lausanne), on rights and interests for ourselves in the mandates in the Pacific, in Africa, in the Near East.¹⁴ Of course the mandates supply but one example, out of many, of the lack of reality in the isolationist position.

But the principal point of these remarks about areas of interest is to emphasize the necessity for a universal or world organization in which the full leadership of the United States may properly and safely be exerted. I know the arguments for regionalism; it is impossible to deny that there might be some advantages in regional organization; and some regional development should be definitely encouraged.¹⁵ Without discussing the abstract merits of regionalism versus universalism in international organization, the points with respect to the United States seem to me to be these: (1) that regional organization need not necessarily, but probably would, strengthen the feeling for the Americas as our exclusive field of leadership, if not of action, and this in turn would almost certainly revive the suspicions of Latin America toward us; (2) that the temptation would again become powerful toward a limited responsibility on our part, and our active participation in the areas where wars begin and where our intervention must eventually come, would in all probability again be "too little and too late." At any rate, it seems to me clear that the United States cannot again run the risk of an ineffective international order; and such an international order can be effective only if we participate fully and responsibly in every respect.

There is much more to be said on the problem of the United States in the postwar world, but I have wanted to make these few general points as a kind of summary view. Energetic leadership is required if even these points are to be brought properly to the attention of the American people, and perhaps particularly of the Congress, and even more particularly of the Senate. Our State Department—so much an object of criticism, and this often perhaps through lack of knowledge of its real position and of its work on these problems—deserves warm commendation for the vigorous leadership exerted at Moscow and for its latest policy of public explanation of its own efforts. If this betokens a new and vigorous

¹⁴ See *Mandate for Palestine* (State Department Publication, 1927), esp. pp. 49-50 (Memo. of American Embassy to British Foreign Office, Aug. 24, 1921).

¹⁵ See, for example, the respective columns of Walter Lippmann and Sumner Welles in *Chicago Sun*, Jan. 10 and 12, 1944.

leadership, on the part not only of the State Department but of the government, there may be good hopes of excellent success and of a brighter future for the United States and for the world. But we need also as a people to catch the spirit of responsibility so well put by Mrs. Anne O'Hare McCormick in her last New Year's Day column: "The terrible burdens of maturity descend upon us while we are still hesitant and unprepared. But nations never go out to meet destiny. It always catches up with them at an unexpected turn of the road. On this grave and portentous New Year's Day, it is well that Americans have to realize that they have passed the point where they can blame other Powers for the mistakes of war or the failures of peace. The end of war is the beginning of the struggle for peace and of our inescapable responsibility for the world born in 1944."¹⁸

¹⁸ *N. Y. Times*, Jan 1, 1944, p. 12.

THE DIRECTION OF SUPPLY ACTIVITIES
IN THE WAR DEPARTMENT; AN
ADMINISTRATIVE SURVEY, I

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I

Integration and coördination are terms that have long been used to describe the objectives of administrative reorganization. Thus coupled, the two words have appeared to represent mutually compatible goals. And most efforts at reform of local, state, and even federal, administration have embodied elements of both integration and coördination.

A somewhat different note was struck in the report of the President's Committee on Administrative Management transmitted to Congress in January, 1937. Here the emphasis was upon an improvement of the staff organization of the Presidency, rather than upon any large-scale effort to re-group and consolidate existing administrative agencies. Accordingly, it would not be unfair to say that coördination, even more than integration, was the objective of the proposals submitted by the President's Committee.

Integration has commonly meant an effort to bring related activities together in a single agency under an administrator subordinate to the chief executive. Coördination, on the other hand, has in practice meant the enlargement of the central staff available to the chief executive in order to assist him in settling matters of common concern to more than one administrative agency.

There is mounting administrative evidence which would indicate that coördination may be less efficacious in relieving the burdens of the chief executive and in achieving harmonious administrative relationships than the advocates of enlarged staff activities have been wont to admit. The National Housing Agency created by Executive Order No. 9070 on February 24, 1942, is a case in point. This agency succeeded the Division of Defense Housing Coördination created by Executive Order No. 8632 of January 11, 1941.

Integration and coördination are problems of concern in a large administrative organization just as much as in the government as a whole under a chief executive. The history of War Department organization, especially in the field of supply operations, presents

an account of long experience under coördination. Events indicate that this history was judged to be so unsatisfactory that under conditions of-war it was necessary to resort to integration of agencies under line administrators subordinate to the head of the Department. An examination of this experience may help to throw some light upon the limitations of coördination, particularly when there are a large number of subordinate agencies to be directed.

The coördinating mechanism of the War Department was the War Department General Staff. The following story illustrates also the conflicting conceptions held about the proper rôle of a general staff. In no part of our federal administration has there been so well organized a general staff as in the War Department; nor has there been elsewhere such considerable experience with a general staff. The story of supply coördination within the War Department accordingly indicates general staff theory in practice.

II

On February 28, 1942, in Executive Order No. 9082, the President of the United States directed a reorganization of the top command in the War Department. The order provided that the Army of the United States should be divided, under the Chief of Staff, into a ground force, under a Commanding General, Army Ground Forces; an air force, under a Commanding General, Army Air Forces; and a service of supply command, under a Commanding General, Services of Supply. In addition to these three great commands and the War Department General Staff, there were to be such defense commands, overseas departments, task forces, and commands in theaters of operations as might be created from time to time.

The order delegated authority to the Secretary of War to issue the detailed instructions necessary to set up this broad framework; and it included a single reservation—nothing was to be done to disturb the President's authority to deal directly with the Chief of Staff in the former's capacity as commander-in-chief responsible for the strategy, tactics, and operations of the war. The order further provided that the reorganization should take place on March 9, 1942, and remain in effect for the duration of the war and six months thereafter.

In a few simple words, the President thus directed the most important, far-reaching reorganization of the War Department and

of the Army to take place since the creation of the General Staff and the position of Chief of Staff in 1903. The President's authority to order the reorganization rested upon the first War Powers Act, approved on December 18, 1941.

The details of War Department reorganization were set forth in War Department Circular No. 59, March 2, 1942. The functions, duties, and powers of the Chiefs of Infantry, Cavalry, Field Artillery, and Coast Artillery were transferred to the Commanding General, Army Ground Forces. On the other hand, the Supply Arms and Services came under the direct command of the Commanding General, Services of Supply. These included the Chief of Ordnance, the Quartermaster General, the Chief of Engineers, the Surgeon General, the Chief Signal Officer, and the Chief of Chemical Warfare Service. In addition, a number of administrative bureaus were likewise transferred to the jurisdiction of the Commanding General, Services of Supply—the Chief of Finance, the Judge Advocate General, the Adjutant General, the Provost Marshal General, the Chief of Special Services, and the Chief of Chaplains. In the field, corps area commanders, general depots, and ports of embarkation were placed under the command of the Commanding General, Services of Supply.

Our attention here will be concentrated primarily upon the history of the organization created to supervise the supply agencies of the War Department. These were the oldest component parts of the Department. An act approved on March 3, 1791, authorized the President to appoint, by and with the advice and consent of the Senate, one Major General, one Brigadier General, one Quartermaster, and one Chaplain. The offices of Surgeon and Adjutant were created in 1792. An act of March 3, 1795, spoke of a "general staff" including a Quartermaster General, an Adjutant General, and a Surgeon General. The Corps of Engineers was created in 1802; a Commissary General of Ordnance was established in 1812. The office of Signal Officer was created by act of Congress approved June 21, 1860.

The supply operations of the War Department were recognized as being somewhat different from the tasks of training troop units and providing garrisons for the defense of the frontier. This difference was acknowledged by the creation of offices in Washington as a part of the War Department to purchase supplies for distribution to the Army. The respective responsibilities of the chiefs of

supply bureaus were divided along commodity lines. The Quartermaster General provided one type of supplies for the Army and the Chief of Ordnance another type. Little attention was seemingly given to the organizational problem of insuring that the right quantity of all types of supplies should be available to combat units.

III

The full importance of the changes introduced in War Department organization on March 9, 1942, can be understood only in the light of past War Department experience. This history may be said to have begun with the creation of the General Staff by the act of February 14, 1903. For the first time, the entire military establishment of the United States, including the branches of the line and the supply and administrative bureaus, was provided with a common supervisory agency. It is not necessary here to detail the failures of War Department organization in the Spanish-American War which led ultimately to the changes of February 14, 1903.¹

Immediately after the creation of the General Staff, difficulties in defining its proper rôle in War Department organization beset it, which were to continue to the present day. The act creating the position of the Chief of Staff and the General Staff Corps provided that the General Staff should prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coördinating the action of all the different officers who were subject under the terms of the act to the supervision of the Chief of Staff.

¹ For an account by one of the leading participants in the creation of the General Staff, see the personal narrative of Major General William Harding Carter included in the collection of documents on the reorganization of the War Department and the National Defense Act published in 1927. U. S. Congress, House of Representatives, Committee on Military Affairs, *Historical Documents Relating to the Reorganization Plans of the War Department and to the Present National Defense Act*, 69th Cong., 2nd Sess., pp. 503-568. See also the unpublished dissertation by Captain (now Brigadier General) Otto L. Nelson, Jr., *The War Department General Staff; A Study in Organization and Administration* (Harvard University, 1939), Chaps. 2-3.

The act provided that the Chief of Staff, under the direction of the President or of the Secretary of War, should supervise all troops of the line and the administrative and supply bureaus specifically enumerated. The list of such agencies included all parts of the War Department organization except the Record and Pension Office, which was omitted because of the Congressional influence of the head of that office, General Ainsworth.²

Difficulty in defining General Staff responsibilities arose at once, especially in fixing relationships between the General Staff and the supply and administrative bureaus. There seemed no doubt that it had been the purpose of the authors of the act, and of Congress in passing the legislation, that the Chief of Staff should exercise supervisory authority over the supply bureaus. In his testimony before the Senate Committee on Military Affairs in 1902, Lieutenant General Schofield, retired, former Commander of the Army and a Secretary of War, related that he had specifically proposed to Secretary Root that the title be "Chief of Staff," rather than "Chief of the General Staff," because that officer should be head of the entire staff of the War Department. And General Schofield made it plain that by head of the entire staff he meant that the Chief of Staff should have supervision and direction of the bureaus of supply and administration.³

Whatever the intent of the law, the supply bureaus did not take kindly to the new administrative authority of the General Staff. From 1903 to 1917, the history of the General Staff was checkered, with the result that on the eve of World War I it was neither an outstanding planning agency nor a successful supervisory body.

The act of February 14, 1903, created a General Staff Corps of forty-five officers. An act of Congress approved August 23, 1912, reduced the General Staff Corps to thirty-six officers. The National Defense Act of June 3, 1916, provided that the General Staff Corps might be increased to a maximum of fifty-five officers by 1920, but that not more than half of the Corps should be stationed in or near Washington at one time. When war with Germany was declared on April 6, 1917, the General Staff Corps consisted of forty-one officers, nineteen of whom were in Washington. "This personnel was, of course, ridiculously inadequate, not only for the gigantic

² See Otto L. Nelson, *op. cit.*

³ *Historical Documents Relating to the Reorganization Plans of the War Department and to the Present National Defense Act*, p. 93.

task confronting it, but for any General Staff work commensurate with the responsibilities of that corps."⁴

By more than reduction in its size did Congress reflect the pressure of powerful groups for curtailing the authority of the General Staff. The National Defense Act included a limitation that members of the General Staff Corps should not be "permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department." When asked for his opinion, the Judge Advocate General advised on July 24, 1916, that this provision of the law took away from the General Staff Corps all power to supervise and coördinate the work done by the established "administrative agencies of the War Department," meaning specifically the supply bureaus. Secretary of War Newton D. Baker, however, rejected the opinion of the Judge Advocate General and prepared his own opinion of September 13, 1916, in which he reasserted the basic ideas of Secretary Root about the work to be done by the General Staff.⁵ Mr. Baker insisted that the General Staff was to be the machinery for planning, and for seeing that its plans were given coördinated effect in the various branches and bureaus of the War Department. Secretary Baker's decision, however, did not restore power to the General Staff in time to make it a vigorous director of war preparations before the outbreak of hostilities with Germany.

General Pershing later wrote about the War Department and the General Staff as it was when he reported in Washington on May 10, 1917:

"The War Department seemed to be suffering from a kind of inertia, for which perhaps it was not altogether responsible. . . . There was no apparent reason why the General Staff should not have developed definite basic plans for the organization and employment of our armies in anticipation of the rapidly approaching emergency and without waiting for instructions from the Administration. To find such a lack of foresight on the part of the General Staff was not calculated to inspire confidence in its ability to do its part efficiently in the crisis that confronted us."⁶

Gradually the necessities of war brought new vigor to the organization and operation of the General Staff. A succession of Chiefs

⁴ *Report of the Chief of Staff for the Fiscal Year 1919*, p. 19.

⁵ Both opinions are to be found in *Historical Documents*, *op. cit.*

⁶ John J. Pershing, *My Experiences in the World War* (New York, Frederick A. Stokes Co., 1931), I, pp. 16-17.

of Staff continued from April, 1917, to February, 1918, when General Peyton C. March returned from the A.E.F. in France, where he had been Artillery Commander, to become Acting Chief of Staff. Whatever else might be said about General March, there was no denying that his was a positive and dynamic personality. Under him, the General Staff became an organization to reckon with. Within two months, he was made the Chief of Staff, and from that time on he enjoyed the complete support of Secretary Baker. Under General March, the General Staff ran the War Department.

One student of the General Staff has suggested that supply work during World War I went through three phases. The first phase was one of inadequate planning to guide the supply bureaus in their operations. Only careful plans could form a sound basis for coördination. The second phase was one of reorganizing the General Staff to effect coördination within the framework of General Staff theory, that is, through administrative supervision. General March believed this effort a failure, and the third phase accordingly was one of direct operation.⁷

The first important reorganization of the General Staff during the war occurred on February 9, 1918, immediately before General March became Acting Chief of Staff. General Orders No. 14 of that date organized the General Staff into five divisions. One of these was a Purchase and Supply Division under an assistant to the Chief of Staff with the title of Director of Purchases and Supplies. Another was known as the Storage and Traffic Division, likewise under an assistant to the Chief of Staff with the title of Director of Storage and Traffic. Under this division was placed the Embarkation Service, which was directly responsible for the movement of all troops and supplies within the United States and to overseas ports of embarkation. The Storage and Traffic Division was also directly responsible for the storage of all munitions and other supplies of the Army within the United States.

The February, 1918, reorganization of the General Staff reflected how far the staff had become involved in administrative details necessary to the conduct of the war. The great expansion of the military establishment had made indispensable some central directing and coördinating authority. The General Staff was the sole agency within the War Department at the time capable of pro-

⁷ Nelson, *op. cit.*, p. 461.

viding such direction. Before the war, the General Staff had been compelled to concern itself with certain planning problems and with a number of routine administrative questions. Neither had been performed satisfactorily because of the small size of the staff and the general internal opposition from bureau chiefs and others. The crisis of war changed all this by the simple force of undeniable need for vigorous central direction of the war effort. The creation of a Purchase and Supply Division and of a Storage and Traffic Division as two of the five divisions of the General Staff revealed how far administrative questions of procurement, storage, transportation, and distribution of supplies had come to be a major consideration of the General Staff. General Orders No. 36 on April 16, 1918, consolidated the Purchase and Supply Division and the Storage and Traffic Division into a single Purchase, Storage, and Traffic Division.

The most important order defining the rôle of the General Staff during World War I was issued on August 26, 1918, by General March, who had now become, with General Pershing, one of the two Generals of the United States Army and Chief of Staff in the War Department. General Orders No. 80 created four divisions of the General Staff and an Executive Assistant in charge of Administration Methods and Statistical Data. The Purchase, Storage and Traffic Division was under an assistant to the Chief of Staff with the title of Director of Purchase, Storage, and Traffic.

General Orders No. 80 were important for three reasons. The first, which has little to do with our immediate story, has overshadowed the other two because of the personalities involved. Included in the order was the famous statement that the Chief of Staff, by law, took rank and precedence over *all* officers of the Army, and that he had authority in the name of the Secretary of War to issue orders throughout the military establishment. This declaration was an unending source of irritation and displeasure to the fellow-officers and supporters of General Pershing, who would not admit that the Chief of Staff took precedence over the Commander-in-Chief of the American Expeditionary Forces. The source of conflict seemed to involve issues of prestige more than substantive issues of policy. Certainly General March could not be accused of a failure to support the thesis that the war was to be won on the Western Front in France, and that all available American military resources should be sent there. General Pershing may

have felt on occasion that the Chief of Staff did not support him sufficiently in his own insistence that troops sent overseas for the A.E.F. should represent a well-balanced force of all branches of the service and not merely combat units. The governments of England and France favored the dispatch of rifle and machine-gun units, but General Pershing insisted upon other units as well, for upon them depended the realization of his desire for an integral American army with its own separate sector of the Western Front.

More important to the administrative history of the General Staff were two other features of General Orders No. 80. For one thing, the Purchase, Storage, and Traffic Division was confirmed in the operating responsibilities it had already assumed. This division had the direct responsibility for computing all requirement needs of the Army. It operated the storage and warehousing activities of the Army, and it also ran the Army Transportation Service. And while the order spoke of the division as "supervising" all procurement activities, in point of fact, the Acting Quartermaster General, as Director of Purchase, under the Assistant to the Chief of Staff, had become an operating unit of the General Staff itself.

The second important administrative aspect of General Orders No. 80 was its reduction of the size of the "Special Staff" operating "on all purely military matters" under the direct supervision of the Chief of Staff. Of the great supply bureaus of the War Department, only the Director of Chemical Warfare Service, the Director of Aircraft Production, and the Director of the Construction Division were given immediate access to the Chief of Staff. These three were new services created under the impetus of the war. All the administrative bureaus—such as the Adjutant General, the Inspector General, and the Judge Advocate General—and the Supply Bureaus—such as Ordnance Department, the Corps of Engineers, the Medical Department, and the Signal Corps—were informed in effect that they must deal on all questions with the Chief of Staff through the various sections of the General Staff.

As early as July 18, 1918, the Director of Purchase, Storage, and Traffic had presented a plan for centralizing the purchase of all but the most technical items procured by Ordnance and by the Director of Aircraft Production. This plan was approved in principle at the time when General Orders No. 80 was issued. One result was the centralization of responsibility for computing all requirements for articles handled by the Quartermaster Corps and for the non-

technical articles of the Corps of Engineers, the Medical Department, and the Signal Corps. The development of an elaborate central requirements system was interrupted by the Armistice on November 11, 1918.

The Embarkation Service of Purchase, Storage, and Traffic operated the Ports of Embarkation and transport and cargo vessels. The Inland Traffic Service ran a centralized shipping service which controlled completely the shipment of all supplies to Ports of Embarkation. The Storage Branch of the Purchase, Storage, and Traffic Division coordinated individual depot operations by the supply bureaus and operated the Army joint reserve depôts, of which there were three by the end of the war. The Acting Quartermaster General, by Supply Circular No. 80, on August 27, 1918, was made Director of Purchase under the Assistant to the Chief of Staff, who was Director of Purchase, Storage, and Traffic. On October 11, 1918, by Supply Circular No. 98, the Finance Department was created as a part of the Purchase, Storage, and Traffic Division. This Finance Department replaced a former Accounts Department which had grown out of the Finance Section of the Purchase and Supply Branch of the Division.

The Purchase, Storage, and Traffic Division of the General Staff, just before the Armistice, divided its organization into two broad categories—supervising units and operating departments. The supervising units were: the Statistics and Requirements Branch, the External Relations Branch, the Purchase Branch, the Production Branch, the Inspection Branch, the Research Branch, and the Executive Branch. As already indicated, in the field of requirements, these branches had a distinct tendency to become more than supervisory units. The Operating Departments included the Embarkation Service and the Ports of Embarkation, the Inland Traffic Service, the Office of Director of Purchase and Storage (who was also the Acting Quartermaster General), the Facilities Department, the Construction Department, and the Finance Department.

In his report as Chief of Staff for the fiscal year 1919, General March found it necessary to justify the degree to which the Purchase, Storage, and Traffic Division of the General Staff had become a super-operating agency of the War Department. He declared that "as the war progressed, it became increasingly evident that the organization of the War Department as it existed at

the beginning of the war was in many respects entirely inadequate to meet the requirements of the situation."

"Under the system of separate and independent bureaus, as organized when we entered the war, a condition of affairs eventually and inevitably developed which threatened the very success of any extensive military program. Every bureau, absorbed in the tremendous expansion of its personnel and in its problems of supply, naturally concentrated every effort upon the development of a program which would meet every possible requirement that might be imposed upon that particular bureau without reference, in general, to the requirements either of other bureaus or services of the Army as a whole."⁸

The Chief of Staff complained of competition between the Supply Bureaus for manufactured articles, for raw materials, for labor, and for industrial plant. The consequences, he declared, were high prices and the location of plants irrespective of available labor, fuel, power, or transportation. There were, he said, nine independent and different systems for estimating requirements. There were five different sources of supplies, and hence five different systems of property accountability. There were ten different agencies handling the money accounts of the War Department, with at least five different systems of fiscal accounts. There was no agency for determining priority in the demands for materials and for finished articles. Each Supply Bureau had its own storage system, and there were no effective means for central control of shipping to insure that all supplies necessary for a unit reached a port of embarkation at approximately the same time in the required quantities. Finally, "it was impossible for the War Industries Board, in allocating supplies, materials, and manufacturing capacity, to secure adequate information as to the needs of the War Department as a whole."⁹

General March summarized the outstanding organizational needs of the War Department in these terms:

"... It had, during the first year of the war, become increasingly evident that a reorganization was necessary which would provide for:

1. A redistribution of existing functions of various bureaus in such a manner as to consolidate important similar or identical functions in the one agency best adapted to handle them.

2. The creation of certain new agencies to handle matters previously

⁸ *Report of the Chief of Staff, 1919, p. 15.*

⁹ *Ibid., p. 16.*

handled by existing bureaus but not logically a part of their function, and the creation of certain new services found to be necessary as the result of the developments and experiences of the Army overseas.

3. The reorganization of the General Staff in such a manner as to enable it to perform its proper functions of an effective central controlling agency to coördinate and to control all existing War Department agencies and services so as to eliminate lost motion and to direct their activities in such a manner as to further to best advantage the development and the execution of the military program as a whole."¹⁰

General March argued that mere coördinating supervision by the General Staff would not have put an end to the inefficiency of the bureau system or realized the desired improvements:

"Experience had shown that the interior organization of the various bureaus was such as to render an effective supervision of their activities by the General Staff, as contemplated by General Orders No. 14, impossible. As the result of a careful consideration of the matter, I became convinced that a consolidation of procurement, except of certain specialized equipment, of storage, of finance, and of transportation, together with a positive and direct central control of these activities by the General Staff, was essential to the elimination of the unsatisfactory conditions existing and to the rapid, efficient, and economical utilization of the resources of the country to the development of the Army program as a whole."¹¹

In his annual report for the fiscal year 1919, the Chief of Staff took sufficient cognizance of criticism about the General Staff to admit that perhaps under war conditions General Staff control and operations had gone too far. He argued, however, that a General Staff that had done its proper work before the war would have made the war developments unnecessary.¹²

IV

Upon his arrival in France in the early summer of 1917, General Pershing began immediately to study the organization of the British and French armies in order to decide upon the desirable arrangements for his own headquarters. In his memoirs, he remarks: "It required no genius to see that the coördination and direction of the combat branches in the numerous services of large forces could be secured only through the medium of a well-instituted General Staff, and I determined to construct it on the sound

¹⁰ *Ibid.*, p. 17.

¹¹ *Ibid.*, p. 20.

¹² *Ibid.*, p. 23.

basis of actual experience in war of our own and other armies."¹³ There was virtually nothing in the precedent of United States War Department organization to guide General Pershing in the establishment of his own General Staff.

The original organization of Headquarters, A.E.F., was set forth in General Orders No. 8 on July 5, 1917. This provided for a Chief of Staff with necessary assistants, a secretary to the General Staff, and five General Staff Sections—an Administrative Policy Section, an Intelligence Section, an Operations Section, a Training Section, and a Coördination Section. This part of headquarters was known as the General Staff. In addition to the General Staff, there was an Administrative and Technical Staff with 15 heads, including the Adjutant General, Inspector General, Judge Advocate, Chief Quartermaster, Chief Surgeon, Chief Engineer Officer, Chief Ordnance Officer, Chief Signal Officer, Chief of Air Service, Chief of Gas Service, General Purchasing Agent, Director General of Transportation, Commanding General of the Line of Communications, Chief of Red Cross, and Provost Marshal General. The orders themselves stated that this organization had been prepared after a comprehensive study of the staff organization of the French and British arms.

The General Staff of Headquarters, A.E.F., was obviously an independent development, although it is significant of the common thinking in military circles at the time that the War Department General Staff should already have been moving in much the same organizational direction. General March had some knowledge of General Pershing's staff organization when he returned to the United States and organized the War Department General Staff.

The large number of individuals included on the administrative and technical staff of Headquarters, A.E.F., was a continuation of War Department tradition. There was nothing in the orders to indicate that these officers were to report to the Commander-in-Chief through the General Staff. Indeed, we know from General Harbord, who was the first Chief of Staff for General Pershing, that each of the Special Staff officers felt entitled to take his problems either to the Commanding General personally or to the Chief of Staff. General Harbord remarks that to have given each of the officers fifteen minutes a day with the Commander-in-Chief would

¹³ Pershing, *op. cit.*, I, p. 103.

have required more than five hours, not counting the time it might take to go in and out of the office. If the Commanding General had permitted ready access for each of these officers to himself, he would scarcely have had time for carrying on negotiations with the High Command of the allied forces or to have inspected field activities.¹⁴

The supply organization for the A.E.F. was set up in accordance with the general ideas contained in the existing field service regulations. General Harbord relates that these regulations had been written before the war, and based primarily upon French experience, since the published records of the Civil War revealed virtually nothing about supply experience during those four years. A Line of Communications was established which was made up of a number of Base Sections (ultimately nine), a single Intermediate Section, and one Advance Section. The Commanding General of the Line of Communications had his headquarters at Tours, a considerable distance behind the forward town of Chaumont, which served as general headquarters for the A.E.F. But both at general headquarters and at Tours there was a complete complement of special staff officers.

General dissatisfaction with the organization of supply activities for the A.E.F. led General Pershing to appoint a Board of Officers, headed by Colonel Johnson Hagood, to make an inquiry into possible improvements in administrative structure. The Hagood Board recognized that the most important single question before it was the problem of providing a single line of responsibility on all supply matters. It recommended that "the competent authority with direct and complete responsibility to the Commander-in-Chief" on all supply matters should be the Commanding General of what the Board proposed to call "the Services of the Rear." It was evidently General Pershing himself who determined that the new organization should be called Services of Supply rather than Services of the Rear.¹⁵ General Pershing accepted the recommendations of the Hagood Board without reservation.

The occasion of a reorganization of the supply activities of the A.E.F. was used for a general reorganization of headquarters.

¹⁴ James G. Harbord, *The American Army in France* (Boston, Little, Brown and Co., 1936), p. 212.

¹⁵ See General Johnson Hagood, *The Services of Supply* (Boston, Houghton Mifflin, Co., 1927), p. 155.

General Orders No. 31, dated February 16, 1918, but actually published sometime later, created the Services of Supply and provided that the Chiefs of Administrative and Technical Staff Services on all matters of procurement, supply, transportation, and construction should operate under the supervision of the Commanding General, Services of Supply. While the order did not specifically direct the removal of the Chiefs of Administrative and Technical Services from General Headquarters at Chaumont to Tours, it implied that such a move was expected by authorizing the chief of each such service to designate an officer to represent him at General Headquarters.

General Orders No. 31 further gave official recognition to the practice already adopted from the British of calling each of the General Staff Sections by the letter "G" and the appropriate numerical sequence. The order set up five sections of the General Staff, known respectively as G-1, G-2, G-3, G-4, and G-5, each headed by an Assistant Chief of Staff. The Assistant Chief of Staff G-1 supervised ocean tonnage, priority of overseas shipments, troop replacements, the organization and equipment of troops, military police, billets, prisoners of war, Red Cross work, the Remount Service, and strength report in the order of battle. The Assistant Chief of Staff G-2 was in charge of information, maps, censorship, and the Intelligence Corps. The Assistant Chief of Staff G-3 prepared strategic studies and plans, orders for the movement of troops, and orders for artillery concentrations; controlled general organization and equipment; and maintained liaison with the allied military commands. The Assistant Chief of Staff G-4 supervised construction, transportation, hospitalization, and the general operations of the Services of Supply. The Assistant Chief of Staff G-5 supervised instruction centers and staff schools, prepared training manuals, enunciated training doctrine, and inspected schools.

In addition to the five sections of the General Staff, there were also located at General Headquarters the Adjutant General, the Inspector General, the Judge Advocate General, a Chief of Tank Corps, a Chief of Artillery, and a Headquarters Commandant. Under the Commanding General, Services of Supply, were the Chief Quartermaster, the Chief Surgeon, the Chief Engineer Officer, the Chief Ordnance Officer, the Chief Signal Officer, the Chief of Air Services, the General Purchasing Agent, the Chief of Gas

Service, the Chief of Utilities, and the Provost Marshal General.¹⁶

The organization of the Services of Supply and the transfer of the principal offices of the various Chiefs of Supply and Administrative Services from Chaumont to Tours were evidently a considerable improvement. It was not, however, until the last of July, 1918, when General Harbord became Commanding General, Services of Supply, that the real possibilities inherent in the organization of the S.O.S. began to be realized.

On July 28, 1918, General Pershing recounts that he received a letter from the Secretary of War proposing that General Goethals, then Director of the Purchase, Storage, and Traffic Division of the War Department General Staff, be sent to France to take charge of the Services of Supply. As head of S.O.S., General Goethals was to be under the jurisdiction of the War Department rather than under the control of the Commander-in-Chief, A. E. F. Secretary Baker advanced as one reason for such an arrangement his desire to relieve General Pershing of a part of his many responsibilities in order to enable him to concentrate his full attention upon military operations. The Secretary made it clear that he was not ordering any such move, but that he was considering it. He wanted General Pershing's advice about the matter.¹⁷

General Pershing, by cable and letter, advised the Secretary against the proposal to separate the Services of Supply from his own command and attach it to the War Department, the principal reason given being "the principle of unity of command and responsibility." The General went on to say: "It has always been my understanding that you believed that full power should be given to the man on the spot and responsible for results." The Services of Supply was so integral a part of the whole operation of the A. E. F. that to remove it from his command, General Pershing declared, would constitute a serious interference with military operations.¹⁸

The real answer of General Pershing to the proposal from the War Department was to name a new Commanding General, Services of Supply. This new head of S.O.S. was perhaps General Pershing's ablest officer, his first Chief of Staff and more recently

¹⁶ Organization orders of the War Department General Staff and of the A. E. F. General Staff are to be found in *Historical Documents Relating to the Reorganization Plans of the War Department and to the Present National Defense Act*, cited above.

¹⁷ Pershing, *op. cit.*, II, pp. 185-186.

¹⁸ *Ibid.*, pp. 190-191.

the commander of a brigade in the Second Division, and then Commanding General of the Second Division—Major General James G. Harbord. With General Harbord as head of the Services of Supply, General Pershing delegated authority to him to deal directly with Washington on all questions of supply. In addition, the Commanding General, S.O.S., was given authority to make decisions on questions which previously had required the approval of General Headquarters. The control of procurement and the reception, maintenance, and distribution of all supplies were left in the hands of the S.O.S. Only questions of the destination of supplies in the zone of the armies and the determination of needed quantities of munitions remained under General Headquarters.¹⁹

The most important aspect in the creation of the Services of Supply was obviously the gathering together of almost all the officers who previously had constituted the administrative and technical staff of the Commander-in-Chief, or as it was sometimes called, the Special Staff, under a single commanding officer reporting directly to the Commander-in-Chief. A new element of command, or perhaps it would be better to say, a new level in the administrative hierarchy of command, had been introduced. This new element was not called a General Staff officer, but rather a Commanding General, Services of Supply.

One other aspect of the Services of Supply is also of administrative significance. The organization of the Commanding General, S.O.S., followed the broad lines of organization at General Headquarters, A.E.F. There was a General Staff organization under the Commanding General, with planning and coördinating responsibilities, but the actual operations remained with the chiefs of the various services—Ordnance, Quartermaster, Medical, Signal Corps, etc. There seemingly was no tendency within the Services of Supply, A.E.F., to build up new divisions of supply responsibility such as characterized the operations of the Purchase, Storage, and Traffic Division of the War Department General Staff. Rather, the emphasis of the immediate staff of the Commanding General, S.O.S., was devoted to bringing about harmonious activity among the various supply agencies.

(To be concluded in the next issue)

¹⁹ Pershing, *op. cit.*, II, p. 204.

CONSTITUTIONAL LAW IN 1942-1943

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1942

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On February 15, 1943, Wiley B. Rutledge, Jr., a judge of the United States Circuit Court of Appeals for the District of Columbia, took the seat on the Supreme Court vacated by the resignation in October, 1942, of Mr. Justice Byrnes. There were no other changes in the Court's personnel. Disagreement among the justices abated somewhat. In only a dozen cases of importance did either four or three justices dissent, as against some thirty cases in the last term. The Court overruled two earlier decisions, both recent; and the reversal in each case was made possible by the vote of Mr. Justice Rutledge.

A. QUESTIONS OF NATIONAL POWER

1. WAR POWER—CIVIL VERSUS MILITARY AUTHORITY

West Coast Curfew Applied to Japanese-American Citizens. In February, 1942, the President issued Executive Order No. 9066, which authorized the creation of military areas from which any or all persons might be excluded and with respect to which the right of persons to enter, remain in, or leave should be subject to such regulations as the military authorities might prescribe. On March 2, the entire West Coast to an average depth of forty miles was set up as Military Area No. 1 by the Commanding General in that area, and the intention was announced to evacuate from it persons of suspected loyalty, alien enemies, and all persons, aliens and citizens alike, of Japanese ancestry. Congress then provided by statute for penalties upon those who wilfully violated the military regulations set up in these military areas (act of March 21, 1942). Shortly thereafter, General DeWitt proclaimed in Military Area No. 1 a curfew regulation applicable to all aliens, and to all persons of Japanese ancestry, but not to other residents. Those affected were required to be in their residences between 8:00 p.m. and 6:00 a.m. By this time the military authorities were also effecting the compulsory evacuation from this area of all persons of Japanese ancestry, including some 70,000 native-born American citizens. The constitutional questions raised by these drastic and discriminatory measures directed against American citizens of Japanese ancestry were novel and important. Two of them came before the United States Circuit Court of Appeals sitting in San Francisco. That court certified them to the Supreme Court for answer. The Supreme Court ordered up the entire

record, which permitted decision in the same way as though the case had gone up on appeal.

In *Hirabayashi v. United States*,¹ the appellant, a senior in the University of Washington, was born in Seattle of alien Japanese parents and was, therefore, an American citizen. He failed to report for registration for evacuation from the military area when ordered to do so, and he violated the curfew by being away from home after eight o'clock at night. He was convicted and sentenced for both offenses, the sentences to run concurrently. Since the sentences did run concurrently, the Supreme Court found it unnecessary to consider the validity of the evacuation order, inasmuch as it upheld the conviction for violation of the curfew. Thus the Court by-passed the major constitutional problems involved in the Japanese evacuation program.

The curfew order was attacked on two grounds: first, it was an unconstitutional delegation of legislative power to the military commander; second, it discriminated between American citizens of Japanese ancestry and those of other ancestries, in violation of the Fifth Amendment. In an opinion by Chief Justice Stone, the Court rejected the first argument on the ground that Congress by the act of March 21, 1942, gave its approval to the regulations established in the military areas by the military authorities, and did so with full knowledge that curfew regulations would be included in the list. The discriminatory application of the curfew to citizens of Japanese ancestry was held valid as a temporary emergency war measure. "The war power of the national government is 'the power to wage war successfully.' It extends to every matter and activity so related to war as substantially to affect its conduct and progress." Those responsible for the conduct of war and the protection of the national security must be allowed the widest possible discretion in the choice of means. The Court cannot sit in judgment upon the exercise of that discretion. The Court described briefly the critical situation on the West Coast after Pearl Harbor—a situation created by the concentration in vulnerable areas of large numbers of persons of Japanese origin—and emphasized the slight degree to which the mass of these Japanese people had been assimilated into our population. These facts made it reasonable for Congress and the Executive to conclude that peculiar dangers to the national security might arise from this source. It was not necessary to the validity of the measures taken that their fears be later justified. In time of war, prompt and decisive action must be taken upon the basis of quick appraisals of necessity.

The mere fact of discrimination against a group does not deny due process, since "Congress may hit at a particular danger where it is seen,

¹ 320 U.S. 81, 1943.

without providing for others which are not so evident or so urgent." The Court admits that distinctions based on race "are by their very nature odious to a free people," and that in most cases racial discriminations are irrelevant to any proper legislative purpose and, therefore, prohibited. But in view of the geographical facts bearing upon the military security of the West Coast, and the fact that Japan is our enemy in that theatre of the war, it is not unreasonable to deal separately and differently with a group of citizens having unique and potentially dangerous associations with Japan. "In time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry." The Court does not discuss the broad problems of the war power in general, but contents itself with holding that the curfew order as applied, and at the time it was applied, fell within the constitutional limits of the war power.

Mr. Justice Douglas concurred separately in order to urge that while the discriminatory treatment accorded an unsorted group of people of Japanese ancestry might be justified by the time-pressure of a military emergency, it remains a serious question whether due process does not require the early creation of machinery whereby the individuals in the group may demonstrate their loyalty and their right to be relieved of the restrictions. Mr. Justice Murphy, in a brief concurring opinion, emphasized that only a great military emergency could justify the curfew order when it was made, and raised the question whether the continuance of the order is valid. "When the danger is past, the restrictions imposed . . . should be removed and . . . freedom of action fully restored."²

2. COMMERCE

In *Wickard v. Filburn*,³ the Court held that a farmer raising 23 acres of wheat, none of which was intended for interstate commerce, but all of which he consumed or fed to his stock, so affected interstate commerce as to be liable to marketing penalties imposed under the Agricultural Adjustment Act of 1938. The purpose of this act is to control the volume of wheat and other farm products which move in interstate commerce in order to avoid surpluses and shortages and the abnormally low or high prices which result from them. The Secretary of Agriculture is directed to set up each year a national acreage allotment for the coming crop of

² On July 31, 1942, the Supreme Court handed down a decision holding valid the trial by a military commission of German saboteurs who had been apprehended the month before. It filed its opinion in this case on October 29, 1942, under the title *Ex parte Quirin et al.*, 317 U.S. 1. The writer discussed this case in an article entitled "The Case of the Nazi Saboteurs" which appeared in this *Review* in December, 1942: (Vol. 36, p. 1082). Further comment on the case is therefore omitted from the present article. ³ 317 U.S. 111, 1942.

wheat, provided that it appears that the expected wheat crop will exceed normal consumption and export by more than 35 per cent, and provided that a referendum of the farmers who will be subject to the quota shows that not more than one-third of them oppose its establishment. This allotment is apportioned to the states and counties and is eventually broken up into allotments for individual farms. Loans and payments to wheat farmers are provided for in specified circumstances. A wheat quota was established under these conditions for the 1941 crop. Filburn's quota allotment was 11.1 acres and a normal yield of 20.1 bushels of wheat per acre, but he ignored the quota restrictions, planted 23 acres, and harvested 239 bushels from the forbidden planting. Under the provisions of the act, he was liable to a penalty of 49 cents a bushel on this excess, or \$117.11. He could have escaped the penalty by storing the additional wheat to meet a possible deficiency under the next year's quota, or by giving it up to the Secretary of Agriculture. He did neither of these things. It was Filburn's practice to sell part of his crop, although not in interstate commerce, to feed part to his poultry and livestock, to make flour for home consumption from part of it, and to keep the rest for seed. During 1941, wheat producers who coöperated with the Agricultural Adjustment Program received an average price on the farm of \$1.16 a bushel, as compared with the world market price of 40 cents.

In holding Filburn validly subject to the act, the Court, speaking through Mr. Justice Jackson, rejected the argument that since his wheat was not to be sold in interstate commerce it could not be reached by the statute, because this would involve federal control of the production and consumption of wheat. The purpose and effect of the act is to regulate marketing, and this is, of course, interstate commerce. Congress may include in its scheme Filburn's wheat and other wheat similarly situated, since this is necessary to the effective operation of the marketing program. The Court refused to be bound by words or formulas used in earlier decisions in efforts to draw sharp lines between interstate and local commerce. It referred to the old distinction between "production," "manufacturing," and "mining" as activities which are strictly "local," in contrast to the transportation or distribution of goods, and also to the distinction drawn in the *N. R. A.* case between the "direct" and "indirect" effects of local transactions on interstate commerce. It said: "We believe that a review of the course of decision under the Commerce Clause will make plain, however, that questions of the power of Congress are not to be decided by reference to any formula which would give controlling force to nomenclature such as 'production' and 'indirect' and foreclose consideration of the actual effects of the activity in question upon interstate commerce."

These formulas do not prevent the commerce power from reaching any

local activities, such as Filburn's, which have a substantial economic effect on interstate commerce, even though at some earlier time these effects have been defined as "indirect." The consumption on the farm of home-grown wheat affects interstate commerce sharply since it "constitutes the most variable factor in the disappearance of the wheat crop." This wheat, though never marketed, "supplies a need of the man who grew it which would otherwise be reflected by purchase in the open market." Congress could properly conclude that wheat consumed on the farm, if left outside the scheme of regulation, would have a substantial effect in defeating and obstructing the government's entire marketing program. The small amount of wheat involved does not affect the authority of Congress to regulate it. If the regulation is otherwise valid, it applies to wheat grown on 23 acres just as clearly as to that grown on 23,000 acres. There is no denial of due process of law. Filburn's quota was fairly determined; his wheat was not confiscated, and, had he desired, he could have escaped the marketing penalty by delivering his wheat to the Secretary or by storing it. In view of the favorable wheat price resulting from the government's program, Filburn is not "worse off for the aggregate of legislation . . . ; it only appears that if he could get all that the government gives and do nothing that the government asks, he would be better off than this law allows. To deny him this is not to deny him due process of law."

3. TAXATION

Stock Dividends as Income. In 1916, in *Eisner v. Macomber*,⁴ the Supreme Court held that a dividend of common stock paid on stock of the same kind was not income within the meaning of the Sixteenth Amendment, chiefly for the reason that income had not been severed from capital or realized by such distribution. The decision was widely and sharply attacked, and Treasury officials and many others hoped that it might one day be overruled. The Revenue Act of 1936 extended the scope of federal taxation and included provisions for the taxation of undistributed corporate income. Congress was clearly bent upon tapping more numerous sources of revenue, and it included in the act the following provision (Sec. 115): "A distribution made by a corporation to its shareholders in its stock or in rights to acquire stock shall not be treated as a dividend to the extent that it does not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution." This section was carried along in later statutes and is still in force. Treasury officials did not assume that this provision was intended to challenge the Court's decision in *Eisner v. Macomber* until 1941, when the Commissioner of Internal Revenue made a demand upon a taxpayer for the payment

⁴ 252 U.S. 189, 1916.

of a tax upon the value of a dividend of common stock received during the taxable year. The issue thus raised came to the Supreme Court in the case of *Helvering v. Griffiths*.⁵

In a five-to-three decision, the Court refused to reconsider the case of *Eisner v. Macomber*. In an opinion by Mr. Justice Jackson, it rejected the Treasury's argument that by enacting Section 115, above quoted, Congress was challenging the 1916 stock-dividend decision. Such a view is not supported by the legislative history of the statute of 1936 or by its later administration. It is within the right of Congress to enact laws which will require the Court to reexamine a previous judgment or doctrine. There need be no legislative embarrassment in so doing. But there is no clear evidence that Congress had this intention here. Since it does not appear that Congress, by present legislation, intended to tax stock dividends, the Court should not overrule a long-standing decision in order to hold that Congress has done so by inadvertence. If *Eisner v. Macomber* is to be reconsidered, it should be in a case arising under a statute in which the purpose of Congress to challenge the decision is abundantly clear. Mr. Justice Douglas, with whom Justices Black and Murphy concurred, dissented on the ground that Congress did intend to reopen the case of *Eisner v. Macomber*, and would have been more explicit had it not felt embarrassment in passing a statute clearly void under an existing decision of the Court. The three justices stated that *Eisner v. Macomber* should be overruled on the merits.

4. JUDICIAL POWER

The limits within which the Court exercises its judicial power are exemplified in two cases. In *Tileston v. Ullman*,⁶ the Court was asked to review, on appeal, a declaratory judgment of the Supreme Court of Errors of Connecticut holding valid a state statute prohibiting both the use of drugs or instruments to prevent conception, and the giving of advice or counsel, in their use. The plaintiff, a physician, alleged that the enforcement of the statute would prevent him from giving professional advice to three patients whose condition of health was such that their lives would be endangered by child-bearing, and that it, therefore, threatened a deprivation of life without due process of law within the meaning of the Fourteenth Amendment. In a *per curiam* opinion, the Court held that the plaintiff had no standing to raise this constitutional question, since his own life is obviously not endangered by the operation of the statute, and his patients are not parties to the proceeding. He may not secure the adjudication of the constitutional rights of these patients which they do not assert on their own behalf. In another *per curiam* opinion, in *St. Pierre*

⁵ 318 U.S. 371, 1943.

⁶ 318 U.S. 44, 1943.

v. United States,⁷ the Court dismissed, because it had become moot, the case of the petitioner who had been sentenced to five months imprisonment for contempt of court because of his refusal to divulge before a federal grand jury the name of the person whose money he had embezzled. He alleged the violation of his right not to incriminate himself. Before the case could be brought to the Supreme Court, the five-month term had been served, and, accordingly, the case was "no longer subject-matter on which the judgment of this Court could operate. . . . The sentence cannot be enlarged by this Court's judgment, and the reversal of the judgment cannot operate to undo what had been done or restore to the petitioner the penalty of the term of imprisonment which he has served." If the petitioner is again asked to testify and again refuses, he may, by resorting to appropriate procedures, invoke judicial review of the issue before the penalty for disobedience is actually paid.

In *Ex parte Kawato*,⁸ the Court held that a state of war with Japan did not prevent Kawato, now an enemy alien, from bringing an action in admiralty to collect wages due him as a seaman. While originally barred by common law, such cases are now permitted in English courts. The Trading with the Enemy Act does not bar such suits; it merely prevents enemy governments or their officers, or citizens of enemy nations not residing in this country, from resorting to our courts.

5. BILL OF RIGHTS—CRIMINAL DUE PROCESS

The case of *McNabb v. United States*⁹ tightened very severely the restrictions upon the use against an accused person of evidence secured by objectionable methods upon the part of the law enforcement officers. The McNabb brothers were arrested after the shooting of a federal revenue officer under circumstances making it practically certain that they either had committed the crime or knew who did. They were taken to Chattanooga, Tennessee, where they were detained by federal officers. They were not brought before a United States commissioner or a judge. Two of them were questioned by several officers over a period of two days, and one of them for five or six hours. They were without the aid of friends or the benefit of counsel. Finally, one of them confessed to the firing of one of the several shots fired, and implicated the other two men. Conviction was based on these admissions. The accused were not subjected to physical brutality, and it was not denied that the incriminating statements were made voluntarily. In an opinion by Mr. Justice Frankfurter, the Court set aside the convictions. It is well established that a conviction in a federal court cannot stand if based upon evidence secured by federal officers in violation of the constitutional rights of the accused. The rule

⁷ 319 U.S. 41, 1943.

⁸ 317 U.S. 69, 1942.

⁹ 318 U.S. 332, 1943.

has been extended to evidence similarly secured in violation of a federal statute. This is the case here. Congress has commanded that federal officers after making arrests take their prisoners immediately before the nearest judicial officer having jurisdiction, for the purpose of a hearing, commitment, or taking bail for trial. The McNabbs were denied this prompt arraignment and were unlawfully detained for substantial periods of time before being brought before a judge. "Plainly, a conviction resting on evidence secured through such a flagrant disregard of the procedure which Congress has commanded cannot be allowed to stand without making the Courts themselves accomplices in wilful disobedience of law." Mr. Justice Reed dissented on the ground that the incriminating admissions of the accused should be excluded only if they were obtained by coercion.

The same result was reached in *Anderson v. United States*.¹⁰ Here eight defendants were convicted of having conspired together to dynamite power lines and installations owned by the Tennessee Valley Authority, in the course of a strike against a power company which obtained its power from the T.V.A. They were arrested on suspicion by state officers without warrants, and were detained and questioned before arraignment for periods of from one to five days. Six of the defendants made admissions which resulted in the conviction of all. Collaboration of state and federal officers in this denial of the statutory right of immediate arraignment made the evidence thus secured inadmissible against any of the defendants, and their convictions were set aside on the grounds set out in the McNabb case.

6. STATUTORY INTERPRETATION

Denaturalization of Communist. *Schneiderman v. United States*¹¹ attracted wide attention because of its bearing on the legal implications of membership in the Communist party. Could the government lawfully cancel Schneiderman's citizenship on the sole ground that at the time of his naturalization in 1927 he was a loyal and active member of the Communist party? The Court held that it could not. The facts in the case were not disputed. Schneiderman was born in Russia and came to this country in 1907 or 1908. At the age of sixteen, he became a charter member of the Young Workers (now Communist) League and remained a member until about 1930. He was naturalized in 1927. He has been a steady and active worker in the Communist party ever since 1922. He ran as the party's candidate for governor in Minnesota in 1932. Since 1934, he has been a member of the national committee of the party, and is at present secretary of the party in California. The government's action was grounded on Section 15 of the Naturalization Act of 1906, which

¹⁰ 318 U.S. 350, 1943.

¹¹ 320 U.S. 118, 1943.

authorizes "cancelling the certificate of citizenship on the ground of fraud or on the ground that such a certificate of citizenship was illegally procured." Schneiderman's naturalization was not attacked on the ground of fraud, but on the ground of illegality. This illegality was said to consist of his alleged failure, by reason of his membership in the Communist party, to meet the statutory condition of naturalization, stated as follows: "It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, . . . and during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same." The government's position was, in essence, that no Communist party member could meet this test.

Mr. Justice Murphy wrote the Court's opinion, which ran roughly as follows: This is not a naturalization proceeding in which the government is asked to confer the privilege of citizenship. It is an action to revoke that privilege after it has been enjoyed for twelve years. The burden of proof is on the government to show that citizenship was illegally procured. This burden of proof must be met, not by a bare preponderance of the evidence, but by evidence which is "clear, unequivocal, and convincing." The government's evidence "does not measure up to this exacting standard." It falls short of it in the following respects: There is no claim that Schneiderman, prior to his naturalization, failed to behave as a man of good moral character, personally believed in or advocated doctrines contrary to the principles of the Constitution, or advocated the overthrow of government by violence. The charge that he was not attached to the principles of the Constitution was based solely on the fact of his membership and activity in the Communist party. This membership alone does not support the government's charge. Adherence to the doctrines of Communism, no matter how abhorrent they may appear to the majority of our people, and no matter how fundamentally they would modify our economic and governmental structure, is not *per se* incompatible with attachment to the principles of the Constitution, as long as this radical program is supported by peaceful and constitutional means. "It is possible to advocate such changes and still be attached to the Constitution." While it is commonly asserted that the Communist party officially advocates the violent overthrow of government as a means of accomplishing its purposes, and while some of the party's literature and the teachings of some of its recognized leaders bear out this assertion, the Court finds serious conflict of evidence on this point. It is by no means clear that the advocacy of violence has been or is the official and orthodox doctrine of the party. "Under the conflicting evidence in this case we cannot say that the gov-

ernment has proved by such a preponderance of evidence that the issue is not in doubt, that the attitude of the Communist party of the United States in 1927 toward force and violence was not susceptible of classification . . .," as "mere doctrinal justification or prediction of the use of force under hypothetical conditions at some indefinite future time—prediction that is not calculated or intended to be presently acted upon, thus leaving opportunity for general discussion and the calm processes of thought and reason." The government accordingly has not met the burden of proof placed upon it. Justices Douglas and Rutledge wrote brief concurring opinions and Chief Justice Stone, joined by Justices Roberts and Frankfurter, dissented vigorously and at length.

Regulation of Chain Broadcasting. The question whether the powers granted to it by Congress authorize the Federal Communications Commission to issue comprehensive and drastic regulations of chain broadcasting was raised in *National Broadcasting Company v. United States*.¹² The Court held that they do so. The Commission began studying the problem of chain broadcasting in 1938, and, after extensive hearings at which station licensees, national and regional radio networks, and other interested parties were heard, it issued a report on the subject in May, 1941. This was accompanied by an order establishing eight regulations designed to correct abuses in the radio network system under which 97 per cent of the total night-time broadcasting power of all stations in the country is controlled by NBC, CBS, and Mutual. The regulations cannot be set forth in detail here, but they forbade such provisions of existing network contracts as preventing a station from broadcasting programs of other networks, bound the network not to sell programs to more than one station in the same area, gave the networks options on the broadcasting time of local stations, and set up network control of local station rates. The network ownership of stations was also banned, although some flexibility in the administration of this rule was promised. Mr. Justice Frankfurter wrote the opinion of the Court. The Federal Communications Act conferred on the Commission the authority to license stations, to "make specific regulations applicable to radio stations engaged in chain broadcasting," and to make rules and regulations and set up conditions and restrictions necessary to carry out the provisions of the act. The Commission was directed to exercise its powers in these matters "as public convenience, interest, or necessity requires." By this generous grant of power, the Commission is not limited to control over the engineering and technical aspects of broadcasting, as is clearly shown by the legislative history of the act. As long as it guided its actions by the criterion of the "public interest," the Commission was empowered to deal broadly with all prob-

¹² 319 U.S. 190, 1943.

lems involving station and network broadcasting. The regulations under attack fell well within the range of authority delegated to the Commission. The power to forbid various restrictive or monopolistic practices is not barred by the fact that such practices may also be violations of the anti-trust laws. Nor do the regulations abridge the free speech protected by the First Amendment. Complete freedom of speech on the radio is precluded by the limited facilities available. The Commission has placed no restrictions which are relevant to the expression of political, economic, or social views, and has attempted no sort of censorship. Freedom of speech does not include the right to use radio facilities without a license.

Mr. Justice Murphy, joined by Mr. Justice Roberts, dissented on the ground that while Congress could have authorized the Commission to issue the regulations under attack, the present statute, reasonably construed, does not do so.

The American Medical Association and the Sherman Act. The American Medical Association, with other defendants, was convicted of violating the Sherman Act by conspiring to hinder and obstruct the operations of the Group Health Association of the District of Columbia. This association is a non-profit corporation organized by government employees to provide medical care and hospitalization on a risk-sharing pre-payment basis. It employs physicians on a full-time salary basis and seeks to provide hospital facilities for the treatment of its members and their families. This plan was contrary to the code of ethics of the A.M.A., and that organization was found to have conspired to coerce doctors to refuse employment under the Group Health Association, to restrain A.M.A. members from engaging in consultations in Group Health cases, and to restrain hospitals in and around Washington from receiving Group Health patients. The case raised no question of interstate commerce, since the Sherman Act applies specifically to conspiracies in restraint of trade inside the District of Columbia. The Court, without dissent, sustained the conviction in an opinion by Mr. Justice Roberts in *American Medical Association v. United States*.¹² It had been vigorously argued whether a physician's practice of his profession constitutes "trade" within the meaning of the Sherman Act forbidding restraints of trade. The Court found it unnecessary to answer that question, since it found that the Group Health Association was a membership corporation engaged in business or trade. It collects funds with which it employs doctors and pays for hospitalization. The Sherman Act forbids "any person" from imposing the proscribed restraints of trade, and it is, therefore, irrelevant whether the A.M.A. is itself engaged in a trade. The offenses charged in the indictment, taken together, spell out a conspiracy in restraint of the trade of

¹² 317 U.S. 519, 1943.

the Group Health Association. There is no employer-employee relationship involved in the dispute, and it is, therefore, not withdrawn from the reach of the Anti-Trust Act by the Norris-LaGuardia Act.

B. QUESTIONS OF STATE POWER

RELIGIOUS LIBERTY AND DUE PROCESS OF LAW

Another batch of important cases involving religious liberty arose from the activities of the Jehovah's Witnesses and the efforts of states or communities to regulate or suppress these activities. This dauntless and aggressive sect has brought to the Supreme Court in the last five years sixteen major constitutional cases involving religious liberty, often combined with issues of freedom of speech and press. While some of these issues have been settled easily, others have been bitterly controversial. This is shown by the fact that in deciding the sixteen cases the Court has reversed itself twice, divided five-to-four in three cases and six-to-three in another, and produced twenty-seven opinions.

Two of the cases disposed of in 1943 were held, without dissent, to be governed by earlier decisions of the Court. *Largent v. Texas*¹⁴ held invalid the ordinance of a Texas city which forbade any person to solicit orders or to sell books, or other merchandise, in the residential area without first securing a permit from the mayor, who could issue such permit if, after investigation, he "deems it proper or advisable." The appellant sold religious books and tracts without applying for the required permit. In *Lovell v. Griffin*¹⁵ and *Schneider v. Irvington*,¹⁶ the Court held that the right to distribute literature or handbills on the public streets, or to distribute such material or to canvass from house to house, could not validly be made dependent upon the previous permission of municipal officers acting in their discretion. Such a requirement set up a censorship which abridged the freedom of the press. The present Texas ordinance does the same thing. "Dissemination of ideas depends upon the approval of the distributor by the official. This is administrative censorship in an extreme form. It abridges the freedom of religion, of the press, and of speech guaranteed by the Fourteenth Amendment." In *Jamison v. Texas*,¹⁷ a member of the Jehovah's Witnesses distributed on the streets of Dallas, Texas, handbills announcing a religious meeting and advertising religious books and tracts, in violation of an ordinance forbidding completely the showing or scattering on the streets of handbills, circulars, or other advertising material. This ordinance was held to violate the Fourteenth Amendment.

¹⁴ 318 U.S. 418, 1943.

¹⁵ 303 U.S. 444, 1938. See this REVIEW, Vol. 33, p. 259.

¹⁶ 308 U.S. 147, 1939. See this REVIEW, Vol. 35, p. 267.

¹⁷ 318 U.S. 413, 1943.

The city "may not prohibit the distribution of handbills in the pursuit of a clearly religious activity merely because the handbills invite the purchase of books for the improved understanding of the religion or because the handbills seek in a lawful fashion to promote the raising of funds for religious purposes."

*Murdock v. Pennsylvania*¹⁸ brought to the Court, for reexamination, the constitutional issue upon which it had divided five-to-four eleven months earlier in *Jones v. Opelika*.¹⁹ This issue is whether religious liberty is violated by imposing on the sale of religious books and tracts a non-discriminatory license tax designed to raise revenue, and required of all who engage in canvassing or soliciting for the sale of books or merchandise of any kind. While such an ordinance had been held valid in the *Opelika* case, the appointment of Mr. Justice Rutledge to succeed Mr. Justice Byrnes, a member of the majority in that case, promised a reversal, since the new justice, while on the Circuit Court of Appeals for the District of Columbia, had dissented vigorously from a decision of that court holding valid a similar, but less burdensome, licensing requirement of the District. Mr. Justice Rutledge joined the four justices who had dissented in the *Opelika* case to effect its reversal by the five-to-four decision in *Murdock v. Pennsylvania*.

The ordinance of the city of Jeannette, Pennsylvania, which was attacked in the *Murdock* case, imposed a substantial, non-discriminatory tax for revenue purposes upon the privilege of canvassing for or soliciting sales of any kind of merchandise. It did not mention religious books or tracts, but applied broadly to all canvassing. The taxes were \$1.50 for one day, \$7.00 for one week, \$12.00 for two weeks, and \$20.00 for three weeks. *Murdock* and others, without seeking or obtaining a license, went from door to door distributing religious literature and soliciting people to buy booklets at twenty-five cents each and tracts at five cents each. Lesser sums were often accepted, and the books and pamphlets were in some cases given away. The solicitors were convicted and fined for violating the ordinance.

The opinion of the majority, written by Mr. Justice Douglas, follows a neat syllogistic pattern: A tax laid on the free exercise of religion, as protected by the First and Fourteenth Amendments, is unconstitutional. The circulation and sale of religious literature by *Murdock* is an exercise of religion; the ordinance does place a tax upon that circulation and sale; and, therefore, the ordinance is void. The activities of *Murdock* and other Jehovah's Witnesses here involved constitute an exercise of religion and not a commercial enterprise. They are engaged in a form of religious

¹⁸ 319 U.S. 105, 1943.

¹⁹ 316 U.S. 584, 1942. See this REVIEW, Vol. 37, p. 278.

evangelism which is "age-old." The incidental collection of small sums for books and tracts to help finance the spread of religion does not make this evangelism commercial, any more than passing the collection plate makes a church service commercial. "... an itinerant evangelist, however misguided or intolerant he may be, does not become a mere book agent by selling the Bible or religious tracts to help defray his expenses or to sustain him. . . . It is a distortion of the facts of record to describe their activities as the occupation of selling books and pamphlets." It is not asserted that religious groups or the press are free from all financial burdens imposed by government. Obviously the income or property of a preacher may be taxed like that of any other citizen. The present tax, however, is upon the privilege of carrying on religious activity. It could be made so heavy as to make the continuance of the activity impossible. In the case of itinerant evangelists, like the Jehovah's Witnesses, this may easily be the result. "Itinerant evangelists moving throughout a state or from state to state would feel immediately the cumulative effect of such ordinances as they become fashionable. . . . This method of disseminating religious beliefs can be crushed and closed out by the sheer weight of the toll or tribute which is exacted town by town, village by village." The non-discriminatory nature of the tax does not save it. It is not enough that religious activities are not taxed higher than other activities. They may not be taxed at all. "Freedom of press, freedom of speech, freedom of religion are in a preferred position." The state is not here making a charge for a privilege which it bestows. The privilege of engaging in religious activity does not come from the state, but is guaranteed by the federal Constitution. The fact that this tax is invalid does not mean that states and municipalities have no power to touch the appellants in any way. The Court intimates that it would uphold an "ordinance . . . narrowly drawn to safeguard the people of the community in their homes against the evils of solicitations," as well as a "nominal" fee "imposed as a regulatory measure and calculated to defray the expense of protecting those on the streets and at home against the abuses of solicitors."

Four justices, Reed, Roberts, Frankfurter, and Jackson, dissented in this case in three opinions by Justices Reed, Frankfurter, and Jackson. Their composite argument ran roughly as follows: The present tax was not attacked as either discriminatory or oppressive and should, therefore, be assumed to be neither. The fact that the activities of the appellants might have been taxed in such a way as to destroy them does not justify the denial of the power to tax them at all. There is no support for the theory that the Church or the press is, by the force of the First and Fourteenth Amendments, free from taxation. "No one would suggest that a clergyman who uses an automobile or the telephone in connection with his work thereby gains a constitutional exemption from taxes levied upon

the use of automobiles or upon telephone calls. . . . Plainly a measure is not invalid under the Constitution merely because it falls upon persons engaged in activities of a religious nature." Nor is a tax void merely because it falls upon activities which constitute the exercise of a constitutional right, as shown by the fact that the business of running a newspaper is clearly taxable. It has never before been argued that the sale of books and tracts is, in itself, a religious practice, although such activities may be incidental to the spread of religion. The decision of the Court does more than protect religious activities from interference and oppression; it bestows upon them what amounts to a tax subsidy which violates "our accepted belief in the separation of Church and state." Mr. Justice Jackson describes the methods and activities of Jehovah's Witnesses who, one hundred strong, descended upon the city of Jeannette and by their persistent door-to-door canvass and their violent denunciation of other religious teachings offended the citizens of the community. The Court's decision in this and other cases about to be discussed leaves the state and city powerless to tax or to regulate these activities. "Civil government cannot let any group ride rough-shod over others simply because their 'consciences' tell them to do so."

Part of Mr. Justice Jackson's dissent was directed against the decision of the Court in *Martin v. Struthers*.²⁰ Here the Court held invalid a city ordinance making it unlawful to ring door bells or knock on doors in order to summon the occupant of a residence to the door so as to give him handbills, circulars, or other advertisements. This is, of course, exactly what the Jehovah's Witnesses do, and the appellant, a member of that sect, was convicted for violating the ordinance. Speaking through Mr. Justice Black, the majority emphasized that door-to-door visitation to circulate pamphlets, both religious and political, has long been an accepted method of communication. To forbid it altogether, as this ordinance does, is to violate the freedom of press and speech protected by the Constitution. It is true that such bell-ringing and door-knocking may be a nuisance to householders and may facilitate the activities of burglars and other marauders. These dangers and abuses, however, may easily be "controlled by traditional legal methods." Reference is made to a proposed form of regulation which would make it an offense to ring the bell of a householder who has appropriately indicated that he is unwilling to be disturbed. The problem must be worked out "with due respect for the constitutional rights of those desiring to distribute literature and those desiring to receive it, as well as those who choose to exclude such distributors from the home."

Mr. Justice Reed dissented in an opinion in which Justices Roberts and

²⁰ 319 U.S. 141, 1943.

Jackson concurred. He failed to see in the ordinance any censorship or suppression of ideas or any real invasion of the freedom of speech and press. It is, rather, a "fair adjustment of the privilege of distributors and the rights of householders."

In *Douglas v. Jeannette*,²¹ the Court unanimously refused to enjoin the city of Jeannette from prosecuting Douglas and other Jehovah's Witnesses for soliciting sales of religious literature without first procuring a license from the city authorities and paying a license tax. The injunction was sought before the *Murdock* case was decided. The constitutional rights of the defendants can be adequately asserted in an ordinary criminal case. Federal courts will enjoin state criminal prosecutions only on a showing of "danger of irreparable injury both great and immediate." There was no such danger here, nor did the large number of threatened prosecutions constitute a reason for the summary procedure of the injunction.

Jones v. Opelika,²² on the authority of the *Murdock* case, vacated the judgment entered in *Jones v. Opelika*²³ in 1942. These various decisions, however, leave one point undecided by the Court, although the door is left open for its consideration later. *Busey v. District of Columbia*²⁴ involved the validity of imposing upon Jehovah's Witnesses the license tax of one dollar per month required by the District of Columbia of those selling magazines on the streets. The Circuit Court of Appeals for the District had held the license tax valid. Judge Rutledge had dissented. This tax has the earmarks of what Mr. Justice Douglas in the *Murdock* case refers to with apparent approval as a "nominal" fee, "imposed as a regulatory measure and calculated to defray the expense of protecting those on the streets and at home against the abuses of solicitors." Instead of invalidating this tax, the Court vacated the judgment in the case and remanded it back to the court below for reconsideration. The Circuit Court of Appeals has already heard the case again and has held the license tax void. The Supreme Court may have an opportunity to review this decision.

In *West Virginia State Board of Education v. Barnette*,²⁵ the Court held invalid a state regulation requiring school children, under penalty of expulsion, to salute the American flag. This reversed the Court's decision in 1940, in *Minersville School District v. Gobitis*.²⁶ In the earlier decision, the Court stood eight-to-one, with Mr. Justice Frankfurter writing the majority opinion and Mr. Justice Stone dissenting. In *Jones v. Opelika*,²⁷ three of the justices who dissented in that case—Justices

²¹ 319 U.S. 157, 1943.

²² 319 U.S. 103, 1943.

²³ 316 U.S. 584, 1942.

²⁴ 319 U.S. 579, 1943.

²⁵ 319 U.S. 624, 1943.

²⁶ 310 U.S. 586, 1940. See this REVIEW, Vol. 35, p. 289.

²⁷ 316 U.S. 584, 1942.

Black, Douglas, and Murphy—announced that they had become convinced that the *Gobitis* case was “wrongly decided.” In the *Barnette* case, therefore, the majority was composed of Justices Stone, Black, Douglas, Murphy, Rutledge, and Jackson (who wrote the Court’s opinion). Justices Black and Murphy wrote brief concurring opinions. Justices Reed and Roberts dissented and merely referred to their position in the *Gobitis* case. Mr. Justice Frankfurter dissented at length.

The majority opinion by Mr. Justice Jackson holds that to compel conscientiously scrupulous children (Jehovah’s Witnesses, in this case) to salute the flag deprives them of the freedom of religion guaranteed by the due process clause of the Fourteenth Amendment. The refusal to salute the flag does not involve any “collision with the rights asserted by any other individual, nor was it accompanied by any conduct which was not peaceable and orderly. It is now a commonplace that censorship or suppression of expression of opinion is tolerated by our Constitution only when the expression presents a clear and present danger of action of a kind the State is empowered to prevent and punish.” No one claims that refusal by school children to salute the flag creates any such “clear and present danger.” In the *Gobitis* case, Mr. Justice Frankfurter had argued that to upset the local school board’s authority to require the salute to the flag was an improper usurpation by the Court of legislative power. “It would in effect make us the school board for the country,” and would replace legislative by judicial discretion in a field “where courts possess no marked and certainly no controlling competence.” Mr. Justice Jackson vigorously rejects this argument. The purpose of the Bill of Rights was to withdraw freedom of speech, press, religion, and other basic rights from the reach of legislatures and popular majorities. The judicial tolerance which should be accorded to legislative action controlling a public utility is misplaced when the basic civil liberties of the First Amendment are at issue. The Court cannot escape its responsibility in this case by a confession of lack of “marked . . . and controlling competence” in the field of education. “We act in these matters not by authority of our competence but by force of our commissions. We cannot, because of modest estimates of our competence in such specialties as public education, withhold the judgment that history authenticates as the function of this Court when liberty is infringed.” Finally, it cannot be argued that, because national unity is the basis of national security, and flag-saluting may be deemed by the local authorities a means of promoting such national unity, compulsion may be used to enforce the salute to the flag. All agree that national unity is desirable and may be promoted by all voluntary means of persuasion. Efforts to “coerce uniformity of sentiment” are entirely different, however, and defeat their own purpose. “Ultimate futility of such attempts to compel coherence is the lesson of every such

effort from the Roman drive to stamp out Christianity, as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles, as a means to Russian unity, down to the fast-failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard." The Bill of Rights was set up to prevent exactly this sort of coercion. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

In a long dissenting opinion, Mr. Justice Frankfurter strengthens and clarifies his majority opinion in the *Gobitis* case. He contends that the only issue in the present case is "whether legislators could in reason have enacted such a law, and it would require more daring than I possess to deny that reasonable legislators could have taken the action which is before us for review." This judicial self-restraint should govern the Court at all times when it is asked to nullify legislation. Furthermore, "our power does not vary according to the particular provision of the Bill of Rights which is invoked." This means that the Court need be no more alert to invalidate laws attacked under the First Amendment than any other type of legislative regulation. The compulsory flag-salute regulation does not differ in its constitutional aspects from many other valid forms of compulsion which have been protested on religious grounds. Examples are compulsory vaccination, food inspection regulations, the obligation to bear arms, testimonial duties, and compulsory medical treatment. Here may also be mentioned the common, though controversial, requirement of Bible-reading in the schools. The argument that no "clear and present danger" to the national security justifies the flag-salute requirement is inapposite. The "clear and present danger" doctrine of free speech arose from a wholly different context and was never intended to apply to this type of legislation. "Of course patriotism cannot be enforced by the flag salute. But neither can the liberal spirit be enforced by judicial invalidation of illiberal legislation."

In *Taylor v. Mississippi*,²⁸ the Court unanimously set aside the conviction of three Jehovah's Witnesses under a statute which makes it a felony to teach or preach orally any principles or to distribute any printed matter calculated to encourage violence, sabotage, or disloyalty to the state or nation, to advocate the cause of our enemies; to disclose military information or secrets, to utter or distribute material which would "incite any

²⁸ 319 U.S. 583, 1943.

sort of racial distrust, disorder, prejudices or hatreds, or which reasonably tends to create an attitude of stubborn refusal to salute, honor or respect the flag or government of the United States, or of the State of Mississippi." While one of the appellants appears to have announced that it is wrong to fight our enemies and that our soldiers are being shot to no purpose, the prosecutions were in the main focussed on the activities of all three in condemning on religious grounds the salute to the flag. As applied in these cases, the statute denies the liberty of speech, press, and religion protected by the due process clause of the Fourteenth Amendment. "It punishes them although what they communicated is not claimed or shown to have been done with an evil or sinister purpose, to have advocated or incited subversive action against the nation or state, or to have threatened any clear and present danger to our institutions or our government. What these appellants communicated were their beliefs and opinions concerning domestic measures and trends in national and world affairs."

C. FEDERAL-STATE RELATIONS

The steadily increasing variety and scope of the functions of the federal government necessarily multiplies the number of points at which federal activities or federal interests are brought into contact with non-discriminatory police legislation passed by the several states. A conflict of this sort was presented in the case of *Mayo v. United States*.²⁹ A Florida statute regulates the sale or distribution of commercial fertilizers by requiring that each bag in which the fertilizer is sold shall be inspected and bear a stamp or label showing that the state inspection fee has been paid. The purpose of the act is to assure the purchaser that he receives a product of ascertained quality. Under authority of the Soil Conservation and Domestic Allotments Act, the Secretary of Agriculture purchased commercial fertilizer outside of Florida, and distributed it to consumers within the state, without state inspection and without attaching the inspection stamps required by state law. The Court held unanimously that Florida could not validly enforce its law against these federal activities. While Congress could have permitted the state regulation and tax to apply had it seen fit to do so, it has given no such permission. The inspection fees are laid directly upon the United States and are, therefore, barred by the supremacy clause of the Constitution. "These fees are like a tax upon the business of the post office or upon the privilege of selling United States bonds through federal officials."

A much more difficult problem was presented by the case of *Penn Dairies v. Milk Control Commission*.³⁰ The Pennsylvania Milk Control Law established a milk control commission with authority to fix prices

²⁹ 319 U.S. 441, 1943.

³⁰ 318 U.S. 261, 1943.

for milk sold within the state, wherever produced, including minimum wholesale and retail prices for milk sold by milk dealers to consumers. After competitive bidding, the Penn Dairy was awarded a contract to supply milk to a United States military encampment located in Pennsylvania on lands owned by the state. The contract price was lower than that authorized by the Milk Control Commission, and the Commission refused to renew the plaintiff's dealer's license as a penalty for this violation of its orders. The dairy claimed that the state could not validly regulate the price at which it sold milk to the United States. The Court rejected this view and held the state regulations applicable. It is clear that Congress could by law make state regulations of this sort inapplicable to sales to the government. It has not done so. Nor can such immunity from the state regulations be reasonably inferred from the constitutional relations between the state and federal governments in our federal system. The state price regulations do not hit the government or any of its officers directly. They may purchase milk "from whom and at what price they will, without incurring penalty." The federal government's only interest in the matter arises from the fact that under the state regulations it may have to pay a higher price for milk than it otherwise would. Recent decisions of the Court have held that such financial burdens indirectly imposed do not invalidate the regulations from which they arise. They are to be regarded "as the normal incidence of the operation within the same territory of a dual system of government, and . . . no immunity of the national government from such burdens is to be implied from the Constitution which established the system." Nor does the state price regulation conflict with any Congressional legislation or policy. It does not run counter to the requirements of various federal statutes that supplies shall be bought after competitive bidding from the lowest bidder. There is plenty of evidence that Congress does not always insist upon the lowest possible price in government contracts. It has often stipulated that the goods that it buys be "American-made" or be produced under acceptable labor conditions. The Court, therefore, cannot imply Congressional insistence upon purchasing at the lowest competitive price at the expense of the interest of the state of Pennsylvania in the stabilization of her milk supply through price control.

The opposite result is reached, however, in *Pacific Coast Dairy v. Department of Agriculture*,²¹ in which the state of California tried to enforce its milk price control law against a dairy selling milk under contract to the United States Army at Moffett Field. There is a controlling difference between the two cases. Moffett Field is under the exclusive jurisdiction of the United States by virtue of its cession to the federal

²¹ 318 U.S. 285, 1943.

government by the state. In view of this exclusive jurisdiction, which did not exist in the Pennsylvania case, it follows "that contracts to sell and sales consummated within the enclave cannot be regulated by California law."

*Parker v. Brown*³² raised the question whether the marketing program adopted for the 1940 raisin crop under the California Agricultural Pro-rate Act is invalid by reason of conflict with the Sherman Act, the Agricultural Marketing Act, or as an obstruction of interstate commerce. The marketing regulations in question rigorously limited the conditions under which producers might sell their crops. They included restrictions upon the bulk of free sales and the prices to be charged, and created a stabilization pool and other devices to protect the industry against over-production and excessive competition. Ninety-five per cent of California's raisins are shipped out of the state, and it was not denied that the marketing regulations substantially affected the flow of interstate commerce in raisins. The Supreme Court held the state regulations valid. The restraints on price levels and on competition do not bring the program within the reach of the Sherman Act, since the Sherman Act does not restrict state activities but only the actions of individuals. Nor is the state program invalid because it conflicts with or lies in a field preëmpted by the Agricultural Marketing Act. This act plainly contemplates coöperation between the states and the federal government in the field occupied. Federal marketing programs are similar in all major respects to the one set up by California, and there is no evidence whatever of an intention on the part of Congress to render state control of marketing invalid in the fields in which the Secretary of Agriculture has set up no federal program. There is no violation of the commerce clause. It is true that commerce is affected by the state regulations, but the effects are not disadvantageous, and they lie in a field which may appropriately be left to state control until Congress occupies it. The same tolerance for state regulation was shown by the Court in *Terminal Railroad Association v. Brotherhood of Railroad Trainmen*.³³ The Association has terminal facilities and renders terminal services to numerous railroads in and about East St. Louis, Illinois. Its operations comprise the sorting and switching of cars, many of which are destined to cross the river into Missouri. Through the Brotherhood, the trainmen and switchmen employed by the Association persuaded the Illinois Commerce Commission to order the Association to provide cabooses on runs within Illinois. It was not denied that cabooses were necessary for the proper protection of the health and safety of the men making up the switching crews. It was also clear that the order, if enforced, would require cabooses to be run across the Illinois line into Mis-

³² 317 U.S. 341, 1943.

³³ 318 U.S. 1, 1943.

souri on trains thus consigned, or else it would require additional track and switching facilities to permit the cabooses to be detached at the state line. The validity of the order was attacked as an invalid burden on interstate commerce and a violation of the Railway Labor Act. The Court rejected both contentions. Congress has not occupied this field of regulation, nor has the Interstate Commerce Commission made any superseding requirements under the federal Safety Appliance Acts, although there is no lack of federal power in this field. There is no conflict with the Railway Labor Act, since that statute does not deal with the actual working conditions of railroad employees, but merely establishes procedures for the settlement of labor disputes. The enforcement of the order will "in some measure retard and increase the cost of movements in interstate commerce." But this does not make it invalid. "In the absence of controlling federal legislation, this Court has sustained a wide variety of state regulations of railroad trains moving interstate commerce which have such effect."

D. INTERSTATE RELATIONS

Full Faith and Credit—Nevada Divorces. In a decision which will have substantial practical results and stir up wide discussion, the Supreme Court held that Nevada divorces must be recognized as binding in other states. This case, *Williams v. North Carolina*,³⁴ rested upon the full faith and credit clause of the Constitution. Williams and Mrs. Hendrix each lived with wife and husband in North Carolina. The two went to Las Vegas, Nevada, resided for six weeks in a motor court, and each filed a divorce action in the Nevada court. Neither Mrs. Williams nor Mr. Hendrix, remaining in North Carolina, was summoned as defendants by personal service of process, and neither appeared to defend the action. The Nevada court granted the two divorces. Williams and Mrs. Hendrix were married in Nevada on the same day, returned to North Carolina to live as man and wife, and were in due course convicted of "bigamous cohabitation" by a North Carolina court which refused to recognize the validity of the Nevada decrees. North Carolina relied upon *Haddock v. Haddock*,³⁵ which had held that a divorce granted by Connecticut, in which the plaintiff husband was domiciled, was not binding in New York because the defendant wife had not been personally served with summons. The *bona fides* of the domicile in Nevada was not squarely attacked by North Carolina, with the result that it was assumed by the Supreme Court. Speaking through Mr. Justice Douglas, the Court held that since Williams and Mrs. Hendrix had acquired a domicile in Nevada, the court of that state had jurisdiction over their marital status, and the issuance

³⁴ 317 U.S. 287, 1942. ³⁵ 201 U.S. 562, 1906.

of the divorce decrees met the requirements of due process. Since this is true, the full faith and credit clause compels every other state to recognize the decrees, regardless of lack of personal service of summons on the defendant spouses. *Haddock v. Haddock* is overruled. The fact that the new rule permits a state with lax divorce requirements to impose its policies on states with strict ones is "part of the price of our federal system." The Court is not concerned with the questions of policy or morals involved in these conflicts of state laws. The opinion of the Court leaves open the possibility of a direct attack in another action on the question of *bona fide* domicile in Nevada.

Mr. Justice Murphy dissented, mainly on the ground that the alleged domicile in Nevada was a fraud and a sham insufficient to support jurisdiction. Mr. Justice Jackson dissented at greater length, asserting also that there was lack of *bona fide* domicile, a resulting lack of due process, and therefore no decree which could bind other states. He observes: "It is not an exaggeration to say that this decision repeals the divorce laws of all the states and substitutes the law of Nevada as to all marriages one of the parties to which can afford a short trip there."

AMERICAN GOVERNMENT AND POLITICS

THE REORGANIZATION OF THE DEPARTMENT OF STATE

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I. THE BACKGROUND OF REORGANIZATION

For many years there has been widespread discussion of the need for reorganizing the Department of State. Students, publicists, members of Congress, and members of the Department itself have repeatedly pointed out that the Department has not been geared up to performing the functions required of the foreign office of a great twentieth-century world power.

The chief criticisms of the Department have been four: (1) that there was lacking a basic pattern of sound administrative organization, (2) that the type of personnel found both at home and abroad was inadequate for the job required in foreign affairs today, (3) that the Department was too far removed from the public and from Congress, and (4) that it was not prepared to provide leadership for, and maintain the necessary relations with, other federal agencies.

As nearly every aspect of our life has come to be related to events and activities in other countries, the scope and subject-matter of the State Department's responsibilities have vastly expanded. Yet during the last three decades, when the importance of foreign relations has particularly increased, the operating structure of the Department has not been adequately reorganized. Some new functions have been undertaken, but this has resulted more from chance accretion of responsibilities to existing persons or offices than from rational planning and assignment of tasks.

Great as the need for reorganization was before the United States entered the present war, it became increasingly serious as the responsibilities of global and total war devolved upon the federal government. The political tasks of the war program which fell to the State Department were difficult enough: to establish and stay on good terms with our Allies, to win more friends, and to weaken the enemy. But in addition the Department had the function of guiding a number of new agencies engaged in foreign activities. Material assistance had to be sent to our Allies. Develop-

¹ On leave for government services, Executive Office of the President, Bureau of the Budget, Washington, D. C.

ment programs for increased production of vital raw materials and goods had to be planned and put into operation in foreign countries. Materials had to be procured abroad, both to meet the needs of the Allies and to cut off supplies from the enemy. Finally, the enemy had to be met in the field of psychological warfare.

Many aspects of the war program were assigned to both new and old line agencies whose activities involved extensive contacts with foreign nations. Among these were the Office of Lend-Lease Administration, Office of the Coordinator of Inter-American Affairs, Office of War Information, Board of Economic Warfare, Office of Foreign Relief and Rehabilitation Operations, Foreign Economic Administration, and Departments of Agriculture, Commerce, Treasury, etc. The new agencies relieved the State Department of many operations and made unnecessary the expansion of its personnel for these purposes. However, there fell to the Department the important and complicated task of keeping the activities of the agencies in line with our foreign policy. For unless their programs were consonant with the foreign policy of the United States in a given field like commercial policy, lend-lease, etc., or in relation to a specific country, there not only was danger of damage to the prestige of the United States abroad, but the war effort itself might be jeopardized. In creating the new agencies, the President left no doubt that upon the State Department continued to rest full responsibility for the formulation of our foreign policy.

Thus the changing peacetime international position of the United States, as well as the special wartime responsibilities resting upon the State Department, made imperative a sound and smoothly functioning organization. Intensifying this need at every turn were the host of vital international questions looming on the postwar horizon.

II. MAJOR CHANGES EFFECTED BY REORGANIZATION

On January 15, 1944, the Department of State issued a reorganization order intended to "facilitate the conduct of the foreign relations of the United States, in war and in peace . . ." (Text in *Department of State Bulletin*, January 15, 1944). While it is yet too early to judge the effect of the order upon the daily conduct of relations with foreign nations, the reorganization is believed to be of far-reaching and fundamental importance. It is the purpose of this article to outline the major changes made by the order and to indicate in what ways they may make it possible for the Department to execute its responsibilities more effectively. It should be emphasized, however, that this analysis is made on the basis of the departmental order alone, without benefit of experience, and on the assumption that the necessary efforts will be made to put the order into full effect.

1. *Consolidation and Regrouping of Functions.* One needs only to glance at the first accompanying chart to realize that the State Department, as so often happens in nearly all kinds of organizations, grew through the years pretty much like Topsy, with divisions added at random when new jobs appeared on the horizon. As a result, the Department's organizational chart reminded one somehow of the curious contours of the Department building itself. Divisions were indiscriminately placed under the direction of the Assistant Secretaries and the Under Secretary without any clearcut administrative pattern. Assistant Secretary Berle, for example, handled such widely disparate functions as finance, aviation, Canada, and Greenland, besides supervising the unrelated activities of the Passport Division, the Division of International Conferences, and the Translating Bureau. Cutting across the chart horizontally, one finds that responsibility for economic affairs was divided among no fewer than seven ranking officials. Mr. Berle handled certain financial problems, Assistant Secretary Acheson, commercial policy and other wartime economic problems, and Assistant Secretary Long, fisheries. There was a special Adviser on International Economic Affairs. Mr. Pasvolsky had charge of the Division of Economic Studies, and Mr. Collado, as Special Assistant, was primarily concerned with economic and financial problems in the Inter-American field.

It takes no expert in government to discover numerous additional administrative idiosyncrasies on the old chart. Thus the Division of International Communications was accountable not only to both Mr. Long and Mr. Berle, but to Assistant Secretary Shaw as well. And responsibility for such functions as translating, research and publications, and the issuance of passports and visas was, in each case, scattered among two, or even three, of the Under and Assistant Secretaries.

Ordinarily when the division of labor in an administrative machine is unclear, there is overlapping and duplication of effort, and the end product suffers accordingly. Staff members with two supervisors may receive conflicting orders, and there is the inevitable confusion as to who is responsible for the execution of a job. Personality conflicts and petty jealousies arise. Worse yet, when speedy decisions are necessary, too many officials have to be consulted before final approval for a project can be secured. It is this official hemming and hawing, as much as anything else, that makes the machinery of foreign policy grind so slowly.

In this respect, the new organization is a decided improvement over the old. In the reshuffling which has taken place, similar functions have been grouped in the same divisions or offices in a rational manner. In order to make clear the drastic character of the reorganization, it is necessary to explain these changes in some detail.

A glance at the preceding charts will indicate the changes that

have taken place in Mr. Berle's office. By transferring the Translating Bureau, the Financial Division, and the Division of International Conferences to other offices, and taking over the Visa Division, the Special War Problems Division, and shipping and telecommunications, Mr. Berle now finds himself in charge of two fairly clear types of functions: control activities, on the one hand, and communications and transportation, on the other. This functional grouping is a considerable improvement over the hodge-podge he formerly had.

Still more significant is the concentration of international economic activities under Mr. Acheson. The Office of the Adviser on International Economic Affairs has been abolished. Moreover, Mr. Berle's financial activities have been transferred to Mr. Acheson, and the personnel of the Division of Economic Studies, engaged in research on postwar problems, has been infiltrated into the operating divisions of the Department dealing with economic affairs. Considering the other changes which have been made, Mr. Acheson's Office of Wartime Economic Affairs and Office of Economic Affairs (the latter dealing with traditional commercial affairs) now become the focal point of the Department in the field of world economic policy.

On the other hand, all of the important administrative and public service functions have been grouped under Mr. Shaw. He inherits all activities relating to the Department's public information program, including the Division of Current Information and various phases of the research and publication program formerly under Mr. Acheson and Under Secretary Stettinius.² The Division of Protocol and the two translating offices are likewise moved under his wing. Meantime, he retains jurisdiction over general fiscal and budgetary matters and the administration of the Foreign Service.

To complete the picture, it should be said that Mr. Long has been relieved of administrative responsibilities and will confine his attention to the Department's relations with Congress. Additional comments will be made below on this point and on the central portion of the chart, where the geographical offices of the Department are concentrated. Meanwhile, it is desirable to reemphasize that significant steps have been taken to rationalize and streamline the operating structure of the Department—steps that should go far toward eliminating jurisdictional squabbles and diffusion of responsibility.

2. Lines of Responsibility Redrawn. The re-grouping of the Department's functions is designed in part to lighten the administrative load of the Assistant Secretaries and the Under Secretary so as to leave them

² Departmental Order 1229 of February 22 modifies this arrangement by placing all informational activity of an immediate news character under Special Assistant to the Secretary McDermott, and abolishes the Division of Current Information.

relatively free for the handling of high policy matters and for performing the countless tasks which any top administrator must attend to in order to keep his office going. Further steps toward that goal were taken by reducing the number of staff members reporting to top ranking officials. The old organization chart showed 9 division heads reporting to Mr. Acheson, 11 division heads and several special advisers reporting to the Under Secretary, and 13 division heads responsible to Mr. Shaw. Charged with directly overseeing so many functions, some of them unrelated, top officials often found themselves bogged down with relatively unimportant matters.

Under the reorganization scheme, Mr. Shaw still has 14 divisions under him. Yet his administrative load is lightened by the creation of three Office Directors who head up his work in public information, departmental administration, and Foreign Service. Similar arrangements have been worked out in connection with the Under Secretary and the other Assistant Secretaries, with the divisions of the Department grouped in 12 major "line" offices. As a result, lines of responsibility and authority are much more sensibly drawn throughout the entire chart.

3. *Reorganization Around Geographic Divisions.* An imaginative cartoonist has recently depicted the State Department as a football team whose signals are called simultaneously by a number of quarterbacks who are trying to keep several balls in play at once. More serious persons who have analyzed its operations have also agreed that the Department suffered from a diffusion of responsibility among a group of departments within the Department. Particular concern had been expressed over the absence of a clear-cut pattern showing whether foreign policies were formulated in terms of particular countries, in terms of functions or subjects, or on the basis of the influence of key persons.

Some critics have argued that since foreign policies are always formulated and applied to particular countries, the country desks should be made the focal point of Departmental activity. Others have insisted that the broad subject-matter areas, like commercial policy, aviation, or communications, should be the basis of departmental organization. A combination of these two approaches, with the subject-matter specialists emphasizing world-wide policy and serving in an advisory capacity to the country desks, has also been strongly recommended.

Actually, the Department's former organization was in this respect very confusing, as a glance at the old chart will show. Certain of the Assistant Secretaries had both geographical and functional responsibilities. Four area divisions (Far Eastern Affairs, European Affairs, American Republics, and Near Eastern Affairs), with appropriate country desks, were under four corresponding political advisers, responsible to the Under Secretary. However, certain countries (Canada, Greenland, and the

Philippines) were assigned to two of the Assistant Secretaries. Commercial and economic matters, with the exception of finance, aviation, and fisheries, were under one Assistant Secretary, and the exceptions were scattered about indiscriminately.

The departmental order of January 15 puts all country responsibilities under four area offices (American Republics, European Affairs, Far Eastern Affairs, and Eastern and African Affairs). It places in the country divisions of these area offices responsibility "for the initiation and, in particular, the coördination of policy and action in regard to all aspects of relations with the . . . countries." This means not merely consolidation of all country activities, but also that these area offices are hereafter to be the focal points for the formulation of policy and action in foreign relations. So far as they apply to particular countries, the policies or actions of all other offices are to be coördinated by the area offices.

The new plan recognizes the fundamental character of the decision to make the country desks the pivotal point of foreign policy. Instead of being under Political Advisers, as before, the country desks are now to be under Directors of *area* offices. Presumably these area offices will be concerned with all aspects of relations with foreign countries. While in some respects this may be considered only a paper change, the fact is that this part of the Department was usually referred to as the *political* side. Here, more than in other parts, was found personnel recruited and trained by standards prevailing at a time when foreign relations were primarily political relations. There was some contact between the political desks and the economic staffs, but such relationships were sporadic and personal. The new plan clearly states that our policies and actions toward other countries are much broader than political and shall be formulated with due consideration for all the facets of a modern foreign policy.

The central character of the area offices was further emphasized by giving to the directors of these offices *de facto* status on a level with the assistant secretaries. They report directly to the Secretary through the Under Secretary. Finally, the rôle of the country desks is indicated by the increase under the new plan in the number of divisions and the opportunity provided for increasing the size of the staff working on specific countries. This is especially noticeable in regard to Far Eastern and African Affairs—a clear indication of the rising importance of these areas.

In keeping with the decision to follow an area or geographic plan for policy formulation is the innovation of creating a central point to co-ordinate relations with international organizations. There was previously a Division of International Conferences under Mr. Berle. This has been transferred to the Office of Departmental Administration, where its functions will be limited to making arrangements for international conferences, seeing that United States responsibilities are fulfilled with respect to international bureaus and other agencies, supervising appro-

priations for conference activities, etc. A new Office of Special Political Affairs is to be concerned with general as well as regional international peace and security arrangements and other arrangements for organized international coöperation. It will be the point of contact for the State Department with international organizations and agencies on such matters. With the need for postwar international organization already evident in such fields as civil aviation, telecommunications, transportation and shipping, intellectual coöperation, food and agriculture, health and sanitation, disarmament, finance and currency stabilization, minorities, boundaries, and commercial problems—and through experience with the International Labor Organization, the Permanent Court, and the League of Nations—the magnitude of the job that lies ahead is apparent. The Office of Special Political Affairs ranks with the four area offices already described.

Although the intent of the reorganization appears clear, it remains to be seen whether the Offices of Transportation and Communications, Wartime Economic Affairs, and Economic Affairs recognize the limits of their functions when they become concerned with policies in relation to specific countries. The scope of activity of the Office of Transportation and Communications extends to "all matters concerning the international aspects of transportation and communications." The Office of Wartime Economic Affairs is concerned with "all matters pertaining to the wartime economic relations of the United States with other governments." The Office of Economic Affairs is concerned with "all matters pertaining to international economic affairs, other than those of a wartime character."

Clearly it was necessary to have someone in the Department concerned with the world-wide aspects of these highly important economic affairs. Only in this way can we be assured of consistency among our policies on these subjects in relation to various countries. Yet it will continually be necessary to remember that the order apparently intends that the five area offices are to be line offices and that the others are to serve in a staff capacity.

4. *Facilities for Increasing Public and Congressional Understanding.* In an era when domestic welfare is dependent upon international relationships, the conduct of foreign relations is clearly of great concern to all the people. In like manner, the widening character of international relations calls for a greater knowledge by the Congress of the scope and method of negotiations with foreign countries.

The reorganization recognizes the inadequacies of the previous arrangements for keeping the people and Congress informed. An Office of Public Information takes its place on a par with the other eleven major offices of the Department. An Assistant Secretary has been designated for the sole purpose of maintaining Congressional relations.

The Office of Public Information, with its five divisions (Division of

Current Information; Research and Publication; Motion Picture and Radio; Science, Education, and Art; and Central Translating) presents one of the most interesting developments in departmental thinking. The order recognizes the rôle of private groups and organizations in furthering public understanding of foreign policy and gives to this Office responsibility for dealing with them. It also gives to the Office the task of collecting and analyzing "materials relating to public attitudes on current foreign policy questions." Finally, relations with the domestic and foreign press, radio, and films will be centered here.³

Potentially of great significance is the inclusion in this Office of the clearly related publication and cultural relations functions. Both of these are the means through which long-run understanding of foreign relations (as distinct from spot information through press, radio, and motion picture) may be furthered. The Division of Research and Publication will continue to bring together the record of our foreign relations and make it available not only to the departmental officers engaged in formulating future policy, but also to the public in the form of publications. Thus this Division provides important coördination between past and future official policy, and between official action and public education.

The inclusion of the Science, Education, and Art Division in the Office of Public Information shows recognition of the rôle of cultural relations in furthering understanding of international affairs. Its program will include all "matters pertaining to international coöperation in the fields of science, education, and art," and will extend to maintaining appropriate relations not only with foreign agencies, but also with domestic educational institutions and private agencies participating in international cultural activities.

What facilities will be provided for drawing Congress more closely into the task of formulating and executing foreign policies cannot be predicted from the order. However, the special status given to the subject of Congressional relations by the reorganization is evident recognition of the appropriateness of Congressional interest, and of the need for Congressional understanding of departmental activities. The framework has been provided for carrying out the conception of working relations between the two ends of Pennsylvania Avenue as expressed by Secretary Hull in the Department's radio program of January 29, 1944: "Under our system of government, the safeguarding and promotion of the nation's interests is a joint responsibility of the Executive and the Legislature. Neither can be effective without the other, and the two together can be effective only when there exists between them mutual trust and confidence. In peace

³ Departmental Order 1229 abolishes the Division of Current Information, placing immediate news functions under Mr. McDermott, and adds a Public Liaison Division to the Office of Public Information.

and in war, the two branches of the Government are joint trustees of the country's destiny."

5. *Creation of the Division of Labor Relations.* Among the many new divisions created by the order, the Division of Labor Relations deserves special mention. While the Department has done some work in this area before, the emergence of a new division to handle labor problems is a clear indication of the growing importance of the international aspects of labor. Of particular interest is the broad mandate given the Division. It not only has responsibility for initiating and coordinating policy and action in matters pertaining to the effect of wages and hours and working conditions in foreign countries upon United States foreign relations, but it is also concerned with international arrangements to promote full employment, health, and economic and social welfare in general. The establishment of this Division underlines once more the interdependence of peoples in the international community. On the other hand, it raises very serious questions concerning the functions of the Department in view of the responsibilities of the Department of Labor in this area.

6. *Creation of the Policy Committee.* One accusation often made against the Department is that it is set up, for the most part, to handle day-to-day operations. It is charged that there is relatively little staff planning and relatively little effort made to set up a framework of foreign policy within which current and future decisions can be intelligently made. Rather, problems are handled on an *ad hoc* basis, too often without an adequate interchange of views among the interested officials, and without due regard for what has happened yesterday and what may develop tomorrow.

Whatever the validity of this criticism, the need for current and long-range joint planning is apparent. Any decision by the Department in respect to the Russo-Polish boundary line, for example, will have to be taken not only in the light of wartime exigencies, but also in the light of our postwar relations with Russia and Poland, and the possibility of a general European settlement. The problem of recognition of old and new governments equally requires long-range thinking. The welfare of Europe tomorrow may well depend upon the wisdom of our choices today.

In order that the top officials of the Department may jointly focus their attention upon such problems, the reorganization plan calls for the creation of two principal committees—a Policy Committee and a Committee on Postwar Programs. Secretary Hull will be chairman of each of these, and Under Secretary Stettinius will serve as Vice-Chairman. The Assistant Secretaries, the Legal Adviser, and Mr. Pasvolsky, Special Assistant to the Secretary, will be members, and the twelve Directors of Office will be *ex officio* members, of both committees.

According to the terms of the departmental order, the Policy Com-

mittee is to "assist the Secretary in the consideration of major questions of foreign policy." The great significance now attached to this function is shown by the fact that the Committee replaces the old Committee on Political Planning, formerly under the chairmanship of Assistant Secretary Long. Mr. Long's committee, made up of six staff members below the rank of Assistant Secretary, lacked the breadth of departmental representation to do the top-flight planning needed in the Department. The new committee, staffed with high-ranking officers, and meeting regularly three times a week, should offer ample opportunity for an exchange of views on the major problems of American foreign policy.

In view of the Committee's size, however, it should not be expected to revolutionize Departmental procedure. Many policy questions will still have to be settled at the Office Director level; indeed it would be most unfortunate if the Committee's agenda were cluttered up with problems of secondary importance.

7. *Correlation of Policy-Making with Post-War Planning.* Constituted on the same high level as the Policy Committee, and (inasmuch as it is made up of the same personnel) apparently designed to work hand in glove with it, is the Committee on Post-War Programs. This committee is charged with the duty of assisting the Secretary in the formulation of postwar foreign policies and the execution of such policies through appropriate international arrangements. The Executive Director of the Committee, Mr. Pasvolsky, has a very small staff of his own, but has the authority to call upon the various offices and divisions of the Department for such help as he may need in carrying out the Committee's responsibilities.

This does not mean that the Department had previously neglected postwar planning on a technical level. During the past two years, a large number of scholars and specialists in the international field have been brought into the Department in order to help chart the future course of American policy. These experts have been preparing reports and memoranda on various aspects of foreign policy, presumably for the use of those who will plan and negotiate the peace. With them came the long-range kind of planning which the operating officials of the Department did not have the time to do.

The work of the group was conducted under a veil of secrecy for a time, however, and its effectiveness was limited by the fact that the staff was not close enough to daily operations. It became apparent that this research and analysis activity had to be much more closely meshed with top policy on the one hand and routine operations on the other. Otherwise, the gap between the practical and the theoretical, between the past, the present, and the future, could not be satisfactorily bridged.

The creation of the Committee on Post-War Programs was designed to

achieve the first objective—the harmonization of postwar planning with top policy. Further, the reorganization removed the postwar divisions from their relative isolation and made them a more vital part of the Department's working mechanism. The Division of Economic Studies was dismantled and its experts were moved into Mr. Acheson's divisions, where research assistance had been sorely needed. The Division of Political Studies becomes a part of the Office of Special Political Affairs, whose two divisions have responsibility for initiating and coördinating policy and action in respect to such matters as (a) peace and security arrangements and other arrangements for organized international coöperation, and (b) the analysis and appraisal of conditions in foreign countries arising out of the war and relating to postwar settlements of interest to the United States. While the new Office will work with other divisions of the Department on various problems, it will be particularly concerned with world-wide aspects of political matters such as international security and organization.

III. EVALUATION AND CONCLUSIONS

The reception accorded the reorganization scheme by the public has varied; it was praised in some quarters and denounced in others. More severe critics, like the *Washington Post* and *PM*, maintained that "the Department hasn't budged an inch," because no important changes have been made in respect to personnel. "Structurally," argued the *Post*, "there can have been no change like it in the last half-century." But "the end-result of this architectural metamorphosis boils down to a serried retitling of the same officials. The more it changes, the more it is the same thing."⁴

Only the most naïve optimist would argue that the reorganization is a panacea for the Department's ills. Even if it were perfect—and it obviously is not—it still would take a determined effort on the part of the entire staff to make the new plan work; for no reorganization scheme is worth the paper it is printed on unless the officials involved do their part. Fortunately, the Department apparently recognizes that this is no time for it to rest on its oars. The *Department of State Press Release* of January 15, 1944, emphasizes that the new organization is not to be regarded "as the final answer to all the Department's administrative problems." Presumably the reorganization will serve as a point of departure rather than as an end in itself.

The creation of the Division of Administrative Management bolsters the hope that the Department will display a continuing interest in over-all management problems. Among other things, in the language of the order, this Division will have responsibility for general administration and

⁴ *Washington Post*, Jan. 17, 1944. Cf. *PM*, Jan. 17, 1944.

organizational problems, effective administrative coordination between offices and divisions within the Department, inter-office and inter-divisional definitions of responsibility, and effective administrative relationships between the Department and other governmental and intergovernmental agencies. This is a large assignment. It means that a group of experts in administrative management are to be given the task of watching over the machinery of the Department, ferreting out its weak spots, and taking the necessary steps to correct them. It means, too, that a special effort will be made to perfect working relationships among the 50 divisions, to the end that duplication and overlapping may be avoided and the huge Department mechanism function more smoothly. But the mere existence of the Division of Administrative Management is not enough. The new agency cannot make a real contribution toward the smooth functioning of the Department unless the top officials are willing to use its services and accept its recommendations.

Meantime, much remains to be done. In the first place, the problem of internal liaison must be worked out. As the Department expands and our international relationships become more complicated, the need for a complete exchange of information among the staff members increases. This may be achieved in part by perfecting the system of intra-departmental committees, so that representatives of different divisions and offices shall have an opportunity to discuss thoroughly the implications, let us say, of our government's policy *vis-à-vis* Franco. Informal seminars and other in-service training devices for Washington staff as well as for returning field staff may also be found helpful. In any event, if serious blunders are to be avoided, the Department's right hand must know what its left hand is doing.

In the second place, still further consolidation might prove beneficial. The dividing line between Mr. Berle's Office of Transportation and Communications and Mr. Acheson's Economic Affairs, for example, is not a natural one, as students of foreign policy well know. Going one step further, some people argue that it would be a realistic move to merge Mr. Acheson's entire Economic Affairs staff with the five political offices. In this way a proper synthesis of the economic and the political might be effected, and foreign policy problems—without being tagged with misleading labels, as they often are—be examined as they relate to a particular country or region. Whether or not one accepts this view, it is clear that closer working relations will have to be developed between the Department's political and economic arms.

In the third place, satisfactory relations between the Department and other agencies must be worked out—both in Washington and in the field. To be sure, a rough division of labor has been evolved, with the Depart-

ment responsible for the determination of foreign policy and agencies like CIAA and FEA charged with responsibility for carrying out actual operations within the framework of policy erected by the Department. But the line again is unclear, and knotty problems of jurisdiction inevitably will arise.

Lack of space precludes a discussion of other matters. It may suffice to point out (1) that the reorganization left untouched the Foreign Service and its many problems connected with recruitment, training, functions, etc.; (2) that critics insist that the Department's thinking is still dominated by precedent, tradition, and rigid concepts of international law; (3) that a more satisfactory system of communicating political and economic intelligence within the Department, to and from the field and to other government agencies, must be worked out; and (4) that internal procedures for the routing and clearance of papers need to be devised so that the full effect of the reorganization may be realized.⁵

THE FIRST SESSION OF THE SEVENTY-EIGHTH CONGRESS

(January 6–December 21, 1943)

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In his budget message for the fiscal year ending June 30, 1944, which really should be labelled the State of the Union Message, President Roosevelt presented in outline his legislative program, which occupied Congress for the session. The message was devoted primarily to war expenditures, farm and food program, stabilization program, civilian control, non-war expenditures, the debt limit, and a pay-as-you-go tax system.

Organization. The political complexion of the Seventy-eighth Congress

⁵ As this article goes to press, the following additional changes since the reorganization of January 15 may be noted: A Division of Coördination and Review has been established in the Office of Departmental Administration to review and coördinate all out-going correspondence. The title of the Office of Eastern and African Affairs has been changed to Office of Near Eastern and African Affairs. The position of Adviser on Refugee and Displaced Persons has been established in the Office of Wartime Economic Affairs. An Information Service Committee has been created under the Director of the Office of Foreign Service Administration to improve the flow to each mission abroad of information about developments in other parts of the world. A planning staff has been created in the Office of Foreign Service Administration for improving the reporting and other services of the Foreign Service to the Department and to the agencies.

differs considerably from that of the Seventy-seventh,¹ particularly in the House. The Republicans gained 47 Representatives and ten Senators, while the Democrats lost 45 Representatives and nine Senators. The third parties retained the same number of Representatives, but lost one Senator. The change in personnel was even greater, with thirteen changes in the Senate's membership and 106 in that of the House. The chairmanship of three standing committees of the Senate² and fifteen of the House³ were changed at the beginning of or during the session.⁴

Continuity in leadership was not much affected by the decided change in status of the political parties; differences were evident in the majority party's fight for dominance. During the session, there were no changes in the Senate leadership around which the Democratic and Republican machines were built; five such changes were made in the House leadership.⁵

Procedure: General Aspects. The session ran from January 6, 1943, through December 21, both houses having adjourned for a summer vacation from July 8 to September 14. The House and Senate were in session 137 and 187 days, respectively. The proceedings printed out 11,116 pages of the *Record*, as compared with 16,532 and 10,000 pages, respectively, for the First and Second Sessions of the Seventy-seventh Congress, and 21,846 for the Third Session of the Seventy-sixth. Of the 11,116 pages, the House proceedings accounted for 6,217 and Senate proceedings for 4,899.

The following table gives categorically, for the last four sessions of

¹ The statistics are as of the opening date of each Congress.

² The three changes were Senator Downey to the chairmanship of the Civil Service Committee, Ellender to Claims, and Bilbo to Pensions.

³ The fifteen changes in the standing committee chairmen were: Representative Spence to the chairmanship of the Banking and Currency Committee, Allen to Census, Barden to Education, Worley to the Election of President, Vice President, and Representatives in Congress, Domengeaux to Elections Committee No. 1, Klein to Enrolled Bills, O'Connor to Indian Affairs, Bell to Insular Affairs, O'Toole to Library, Murdock to Memorials, Boykin to Patents, Buckley to Pensions, Burch to Post Office and Post Roads, Peterson (Fla.) to Public Lands, and Robinson (Utah) to Roads.

⁴ See *Official List of Members of the House of Representatives*, Dec. 9, 1943, 78th Cong., p. 15. The party division at the beginning of the 78th Congress was as follows: in the Senate, 57 Democrats, 38 Republicans, 1 other; in the House, 222 Democrats, 209 Republicans, and 4 others.

⁵ For a table of party leadership in the Seventy-seventh Congress, see this *Review*, Vol. 36, p. 292. The five changes were: Representative Ramspeck of Georgia became Democratic Whip, Representative Doughton of North Carolina became chairman of the Democratic Caucus, and Representative Crosser of Ohio became chairman of the Democratic Steering Committee. Representative Arends of Illinois became the Republican Whip and Representative Woodruff of Michigan became chairman of the Republican Caucus.

Congress, the number of bills debated by either chamber for three or more printed pages each of the *Congressional Record*:

TABLE I

Pages Debated	76TH CONGRESS THIRD SESSION		77TH CONGRESS FIRST SESSION		77TH CONGRESS SECOND SESSION		78TH CONGRESS FIRST SESSION	
	House	Senate	House	Senate	House	Senate	House	Senate
3- 5	7	7	7	10	20	13	10	10
5- 10	25	13	20	14	26	16	16	13
10- 15	14	16	24	9	10	5	24	11
15- 20	12	8	9	7	13	2	7	5
20- 25	4	3	15	7	5	5	3	5
25- 30	14	4	9	5	6	5	8	3
30- 35	8	3	8	2	3	1	3	2
35- 40	4	4	3	2	4	0	5	0
40- 45	2	2	1	2	3	1	1	1
45- 50	2	1	3	1	1	0	1	1
50- 60	5	6	2	0	5	4	5	5
60- 70	4	1	1	2	1	2	4	1
70- 80	2	5	5	1	0	1	3	1
80- 90	1	1	0	0	1	0	1	0
90-100	3	0	1	0	1	1	2	1
100-125	2	3	3	1	0	3	4	6
125-150	0	2	1	1	2	1	2	0
150-175	0	2	2	0	0	3	1	1
175-200	2	1	1	1	1	0	0	0
200-300	3	0	1	0	0	0	1	2
300-400	1	2	0	1	0	0	0	0
400-500	0	0	0	0	0	0	0	0
500-600	0	0	0	1	0	0	0	0
600-700	0	1	0	0	0	0	0	0
Totals	115	80	124	67	102	63	101	68

The above table is significant as one of the most accurate criteria of the actual legislative activity of the two chambers. (1) It shows that of the 702 bills and resolutions passed by the Senate during the session, only 68 were controversial at all. The other 634 measures were presented to the Senate with little or no mention of their contents, and were passed by voice vote or "without objections." Of the 795 bills and resolutions passed by the House, only 101 stirred any real discussion. The other 694 were called up, read by the clerk, and passed by voice vote or "without objections." (2) The table demonstrates that of the 6,217 pages of the *Congressional Record* devoted to House proceedings, only 3,320 were utilized for the debate of legislative measures. The other 2,897 were consumed by miscellaneous remarks, texts of bills, and the like. Similarly, of

the 4,899 pages of the *Record* devoted to Senate proceedings, only 2,535 pages were utilized for the debate of legislative measures. (3) The subject debated at greatest length in the Senate was the Connally Peace Machinery Resolution (S. Res. 192), discussion of which ran ten days and filled some 263 pages of the *Record*. The Agriculture Appropriation Bill (H.R. 2481) was the measure discussed at greatest length by both bodies, which was also the case in the Second Session of the Seventy-seventh Congress.

Senate Procedure. Senate procedure was not unlike that of all recent sessions. Most of the bills approved were acted on after brief consideration. Of the 702 bills and resolutions passed, 634 were adopted after a minimum of consideration. Except during the consideration of a few measures, Senators were not particularly active in debate, and at different times, under unanimous consent agreements, they limited themselves as to the time they might talk on an issue. On December 15, during the bitter debate between Senators Lucas and Moore on the effect of soldier vote legislation on the 1944 presidential election, attendance dwindled until Sergeant-at-arms Doxey was instructed to "bring in the absentees." Two roll-calls in mid-afternoon disclosed that only 41 Senators were present—eight short of a quorum. This was the first time since the anti-poll-tax filibuster of November, 1942, that the Senate was forced to employ its sergeant-at-arms to round up enough members to make a quorum.

House Procedure. In the House, more than 700 of the 795 bills and resolutions passed were disposed of under unanimous consent.⁶ The others were called up and disposed of as privileged business—in order when reported in pursuance of the rules of the House, under the Discharge Calendar procedure, and under special rules reported by the Rules Committee. The Rules Committee reported 49 resolutions providing special consideration for the same number of pieces of legislation, of which five were never called up.⁷ The House adopted 40 of these, in effect suspending its rules in each instance by adopting one of these simple resolutions setting up a special order of business (the immediate consideration of some particular bill). An analysis of these rules shows that of the 40 adopted, all but three provided for the immediate consideration of particular bills; 34 were open rules merely giving otherwise unprivileged business the right of way for a hearing. Only five could be classed as closed rules, of which two were granted solely to save points of order against their respective appropriation bills. All but four specified a maximum time for general debate (to be divided equally between members favoring and those opposing) of a particular bill (10 provided for one

⁶ Unanimous consent procedure business includes bills called up out of order, by request, from the Unanimous Consent Calendar, and from the Private Calendar, all of which are passed without objection.

⁷ Four were called up and "laid on the table."

hour, 17 for two hours, two for three hours, three for four hours, and four for two days). Thirty-four rules provided that their respective bills be read under the five-minute rule for amendments immediately following the general debate, "and that thereupon the committee shall rise and report the same to the House, such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."⁸

The rule under which the 1943 tax bill was considered (which provided for two days of general debate) stipulated that after general debate, "which shall be confined to the bill . . . the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by the direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but such amendments shall not be subject to amendment." This was the most drastic rule adopted during the session.⁹

All but two of the bills called up under special rules passed the House; two were defeated by the House; two were vetoed by the President;¹⁰ one was still pending in conference at the end of the session; twelve passed the House but at the close of the session had not been acted on by the Senate; and 23 became law. These results definitely disclose that the Rules Committee is not solely an agent of the majority party, and that it does more than clear the way for legislation desired by the Administration.

Calendar Wednesday procedure was not used during the entire session. During the previous session,¹¹ the rule was invoked on three different occasions, with seven committees receiving the call. The suspension-of-rules procedure was used for passage of eight bills, on six different days.¹² All eight of the measures became law.

⁸ Thirty-five resolutions carried the clause "without intervening motion except one motion to recommit."

⁹ H.Res. 360. See also H.Res. 206 and H.Res. 330; also H.Res. 275 and H.Res. 292 providing for sending bills with Senate amendments to conference. On September 20, the House adopted a rule (H.Res. 302) providing that the time for debate on a motion to "suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided . . . and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of." The House, on June 30, adopted an unusual rule providing that "during the remainder of the week ending July 3, 1943, it shall be in order to consider conference reports the same day reported to the House notwithstanding the provisions of clause 2, Rule XXVIII." H.Res. 278.

¹⁰ H.R. 2869 and S. 660.

¹¹ 77th Cong., 2nd Sess.

¹² See H.R. 1366, H.R. 1860, H.R. 2703, H.R. 2798, H.R. 2936, H.J.Res. 147, H.Res. 292, and S. 972.

Eighteen motions to discharge committees from consideration of bills were filed, and three of them received 218 signatures, the number necessary for entry on the calendar.¹³ Of the three so entered, two were called up¹⁴ and passed; but both were left pending in the Senate when the session adjourned. The third bill was left on the House calendar.

Legislative Activity. A total of 384 laws were enacted, of which 219 were public and 165 private.¹⁵ The House passed 795 bills and resolutions and the Senate 702.¹⁶ Forty-nine bills were sent to conference, of which 45 were cleared for enactment and four left in conference at the close of the session. Many measures, after having advanced one or more steps toward enactment, were left unfinished; the President vetoed sixteen bills, making a total of 595 bills vetoed by him since 1933, when he took office.

Appropriations. Congress had a heavy year with appropriations, enacting twenty-one appropriation bills¹⁷ involving a total of \$114,564,008,594 of direct appropriations. In only one year of Congressional history has the total been larger: in 1942, Congress appropriated \$147,071,208,961 (as compared with \$57,792,715,367 in 1941).

A study of the history of the appropriation bills reveals that the Senate was more liberal in appropriating funds for the Administration than was the House, although both were more conservative than the Bureau of the Budget. The twenty-one appropriation measures accounted for much of the work of the session, keeping the two appropriation committees extremely busy.¹⁸ The appropriation bills of the year carried an unusual amount of legislation.¹⁹

Legislation. The work of the two houses during the session can well be

¹³ See H.R. 7, H.R. 2887, and H.Res. 29.

¹⁴ H.R. 7 and H.R. 2887.

¹⁵ In the First Session of the Seventy-seventh Congress, a total of 649 laws were enacted, of which 397 were public and 252 private; in the Second Session, a total of 836, of which 453 were public and 383 private.

¹⁶ Each house played a more important rôle in legislative activity than the above figures show. Of the 795 measures passed by the House, 420 were House bills, 140 Senate bills, 32 House Joint Resolutions, 5 Senate Joint Resolutions, 12 House Concurrent Resolutions, 8 Senate Concurrent Resolutions, and 178 simple House Resolutions. During the Session, 4,568 bills and resolutions were introduced in the House, of which 3,903 were House bills, 210 House Joint Resolutions, 64 House Concurrent Resolutions, and 391 House Resolutions. House Committees made 982 reports. Of the 702 measures passed by the Senate, 258 were Senate bills, 237 House bills, 19 Senate Joint Resolutions, 28 House Joint Resolutions, 9 Senate Concurrent Resolutions, 12 House Concurrent Resolutions, and 139 Senate Resolutions. During the session, 1,971 bills and resolutions were introduced in the Senate, of which 1,611 were Senate bills, 105 Senate Joint Resolutions, 29 Senate Concurrent Resolutions, and 226 Senate Resolutions. Senate Committees made 628 reports.

¹⁷ The House passed 22, but one (H.J.Res. 208) was left pending in the Senate.

¹⁸ For a thorough analysis of these appropriations, see *Appropriations, Budget Estimates, etc.*, by Marcus C. Sheild, clerk to the House Committee on Appropriations, and Everard H. Smith, clerk to the Senate Committee on Appropriations, pp. 1-735.

¹⁹ The rules of the House and Senate contain a prohibition against including

divided into the following classes: disposition of appropriation bills, which took up much of the time of the session;²⁰ passage of defense bills in the form requested by the Administration, without much debate except for the bills amending the Selective Service Act; adoption of resolutions creating select and investigating committees and a discussion of their activities and reports;²¹ and a discussion of various subjects as distinguished from legislative bills, particularly on the war, peace, and postwar planning.²²

The history of the subsidy bills presents an interesting legislative study. In the early part of the session, the House and Senate passed a bill²³ to continue the life of the Commodity Credit Corporation, with a proviso to outlaw consumer subsidies.²⁴ The President opposed the proviso; he had asked only that the life of the CCC be extended and that its capital assets be increased. The President vetoed the bill,²⁵ and Congress, unable

legislative provisions in an appropriation bill, but if no one makes a point of order against a proposed legislative provision being so included, it will be included, with majority approval of both houses. By a two-thirds vote in the Senate, and by the use of a special rule in the House, legislation might be included in an appropriation bill, points of order to the contrary notwithstanding. Note the comments by two Representatives on this situation. Representative Fulmer said: "Does not the gentleman think that the Committee on Rules acted wisely in that the Committee on Appropriations has taken over all the legislative functions of the Committee on Agriculture? In fact, this bill contains more legislation than any appropriation bill that has ever been presented to the House since I have been a member during the past 22 years" (*C.R.*, p. 3421). Representative Dirksen said: "May I make one allusion to this question of points of order that may be raised? I do not know how you are going to write an appropriation bill that does not have some legislative provisos in it. If I went to the trouble to take this bill and start with page 1 and strike out every provision that technically, at least, seems in violation of the rule which interdicts the insertion of legislation in an appropriation bill, I probably could reduce it to 30 pages the first time over. Then if you devote yourself more assiduously to the job, there would probably be less than half the original bill remaining. Frankly, I do not know how you are going to do the job, when you deal with anything like the Department of Agriculture, with innumerable bureaus and agencies, countless functions, dealing with the production and distribution of food. It is enough to baffle anybody. I expect if I remained at this type of labor for a quarter of a century I would only have scratched the surface of the problems which one constantly encounters in this task" (*C.R.*, p. 3432).

²⁰ The House devoted 1,268 pages of its proceedings to debate of the appropriation bills, while only 588 pages of the Senate proceedings were so consumed.

²¹ See section below on investigating committees.

²² Only a few, if any, of the roll-call votes show division on straight party lines.

²³ See H.R. 2869 and S. 1108.

²⁴ Originally, both the House and Senate Banking and Currency Committees reported their bills with a proviso to outlaw subsidies. Subsequently, Administrative objection to this prohibition caused both committees, after they had reported their bills, to reconsider them.

²⁵ See House Doc. 249. Speaking of his consumer subsidy program, in the veto message, he stated: "It should and must be continued."

to override the veto (although mustering a majority vote against it), reluctantly passed a simple joint resolution to extend the life of the CCC to December 31, 1943.²⁶ Just before the close of the session, Congress was asked again to extend the life of the Corporation, and again the House passed a bill not only doing so but also outlawing consumer subsidies. The bill was referred in the Senate to the Banking and Currency Committee. The Committee held hearings, but was unable by the close of the session to reach an agreement on reporting the measure. Senator Barkley, carrying the ball for the Administration, was unwilling that the bill be reported with the proviso outlawing subsidies; a majority of the committee membership was unwilling to report the bill without such proviso. Consequently, just before the session ended, another simple joint resolution, without limitations on consumer subsidies, was passed to extend the life of the CCC until February 15, 1944.²⁷

Congress devoted much time to taxes, enacting one bill (H.R. 2570) on pay-as-you-go (as recommended by the President in his budget message of 1944), and getting a general revenue bill (H.R. 3687) ready for Senate consideration by the close of the session. Congress had given some consideration to a pay-as-you-go tax program in 1942 when the Senate Finance Committee was holding hearings on the 1942 Revenue Bill. The first bill reported on the subject²⁸ was considered in the House from March 25 through March 30, but was recommitted to the Ways and Means Committee by a vote of 248 to 168. A second bill was reported on April 30, which also was sponsored by Chairman Doughton, and passed by the House on May 4 by a vote of 313 to 95, after being amended to incorporate the Robertson-Forand version. The Senate Finance Committee amended the bill by inserting the Ruml plan, which passed the Senate by a vote of 48 to 31. In conference, a new bill was written and adopted by both houses. The Treasury took a negative position on the bill, since it had no plan which it cared to sponsor. It did, however, successfully fight proposals to which it was much opposed. The Administration asked Congress to write a tax law to provide additional revenue estimated at \$10,560,000,000. The House and Senate Committees refused. The ensuing bill was not finally enacted during the session, but at no time did it take a form providing as much as three billions, and at all stages through Congress the bill was fought by the Administration.

The Smith-Connally Anti-Strike Bill had a stormy voyage. Generally speaking, the rules specify to which standing committees of the House and Senate bills shall be referred. The exact committee to which a bill is referred, however, depends on how the measure is drafted, as well as upon its contents. This situation was well illustrated in the disposition of labor

²⁶ H.J. Res. 147.

²⁷ S.J. Res. 103.

²⁸ H.R. 2218.

bills comparable to the Smith-Connally Bill. Many such bills had been pending in Congress during the past several years, in the House before the Labor Committee and in the Senate before the committee on Education and Labor. But sponsors of such bills had been unable to get a vote by either of the committees on the subject. The authors of the Smith-Connally law were finally able to get favorable action on their proposal because they conceived the idea of writing the legislation after such a fashion as to get it referred to committees other than the labor committees. In the Senate, the Judiciary Committee handled the bill; in the House, the Military Affairs Committee. The two labor committees, however, protested vigorously, contending that legislative high-jacking had been resorted to by legislation within their jurisdiction being taken out of their hands.

Some of the legislation included in appropriation bills is important enough to merit mention here. Most of it had the effect of closing up shop for particular agencies of the Administration. In the case of the Treasury-Post Office Appropriation Bill, an attempt was made to prohibit the operations of the Silver Purchase Act and to eliminate the use of penalty mail; but they were lost or modified before the bill was finally enacted.²⁹

In the case of penalty mail, when the House had under consideration the Treasury-Post Office Appropriation Bill for the fiscal year 1944,³⁰ an amendment by Representative Keefe (R) of Wisconsin to prohibit funds carried in the bill to be "expended for the purpose of collecting, soliciting, handling, transporting, or delivering free the mail of any officer in any executive or administrative agency of the Government," was adopted. The Senate struck it out, but adopted the so-called Tydings amendment which provided that the Bureau of the Budget and the Postmaster General should conduct a study of the use of official free mail by the Administrative branch of the government and to report to Congress. These amendments, in turn, were eliminated in conference, and a new proviso which became law was substituted, authorizing the Joint Committee on Investigation of Non-Essential Federal Expenditures to make a study of the problem of penalty mail (free mail for Administrative agencies) and to recommend to Congress legislation to correct any abuses discovered.³¹

In the Independent Offices Appropriation Bill, provision was made for the liquidation of the NRPB and the HOLC.³² A provision in the Agri-

²⁹ An amendment to prohibit the use of funds for operation of the Silver Purchase Act was eliminated from the act in conference after having been approved by the House and rejected by the Senate.

³⁰ H.R. 1648

³¹ See P.L. 102.

³² P.L. 90. The law provided \$50,000 for the liquidation of NRPB by August 31, 1943, and \$11,642,200 for the liquidation of the HOLC "at the earliest practicable date."

culture Appropriation Bill provided for three and one-half millions for liquidation of the Federal Crop Insurance Corporation.³³ The NYA was liquidated in the Labor-Federal Security Appropriation Bill.³⁴ Attempts by the Senate to add provisions in different bills to the effect "that no part of this appropriation shall be available to pay the salary of any person at the rate of \$4,500 per annum or more unless such person shall be appointed by the President, by and with advice and consent of the Senate," were futile. And lastly, a clause was incorporated in the Urgent Deficiency Appropriation Bill (H.R. 2714) to prohibit the use of any funds appropriated therein or in any other act to pay any part of the salary or other compensation for the personal services of three individuals alleged to be subversive, "unless prior to such date such person has been appointed by the President and by and with the advice and consent of the Senate."³⁵

A number of bills which consumed much of the time of the committees as well as of the two legislative chambers were acted upon, but failed to reach final enactment. Bills on the control of the food administration took much time. The Senate debated for several days a federal aid education bill (S. 637), but after an amendment by Senator Langer was adopted to prohibit any distribution of funds that would involve discrimination against race or color, the bill was recommitted, primarily because of opposition by Southern Senators. Committees spent much time on national war service bills (S. 666 and H.R. 1742), a bill to create an office of war mobilization (S. 607), and one to establish an office of scientific and technological mobilization (S. 702).³⁶

³³ P.L. 129.

³⁴ P.L. 135.

³⁵ Representative Dirksen made the following remarks to the House about this case: "Mr. Speaker, let me suggest something to the membership of the House that I think has very, very serious implications. On the 21st of April, a subcommittee of the Appropriations Committee brought in a recommendation with respect to three persons employed in the Government, and in two of the cases the subcommittee recommended that they were unfit to continue in the Government service. Those two are employed by the Federal Communications Commission."

"Five days later, on the 26th of April, the Federal Communications Commission had a meeting. They examined into the qualifications and the fitness of those on whom the congressional committee had already passed. Let me say that 3 of the Commissioners, of course, dissented, but 4 of the Commission concurred in this report, some 26 pages long."

"The last sentence of that report is as follows: 'In the light of the foregoing, we find no basis or reason for the dismissal of Watson, Schuman, or Dodd from employment of the Federal Communications Commission.'"

"The question that this Congress is going to have to determine is, Are we going to tell the Federal Communications Commission what it must do or is it going to tell us what we shall do? If one agency prevails in a case of this kind, make no mistake, it will completely destroy the supervisory legislative power of the Congress (C.R., p. 4218)."

³⁶ No bill on either of these two subjects was reported.

The best example of pressure legislation during the session is found in the actions on S. 1457, to authorize expenditure from \$25 to \$30 million a year for newspaper advertising to promote war bond sales. The bill was introduced by Senator Bankhead (D) of Alabama on October 18 and reported to the Senate on October 29.³⁷ The Senate Banking and Currency Committee, which handled the bill, held hearings for four days,³⁸ but only witnesses in favor of the legislation testified. The Senate passed the bill on November 16 by a vote of 40 to 35. In the House, it was referred to the Ways and Means Committee, and that committee heard only witnesses in support of the bill. On December 8, the committee, without a record vote, decided to table consideration of the measure. At the close of the session, the bill was left pending before the House Ways and Means Committee.

Investigating Committees. As in the case of the last session of the Seventy-seventh Congress, investigating committees were very active throughout the year, even during the summer vacation, investigating the activities of the Administration and of wartime industry. The House had twenty-one investigating committees, of which seven were continued from the last session,³⁹ the Senate had ten, of which nine were continued from prior sessions.⁴⁰ These investigating committees made many special reports, recommending the correction of malpractices or inefficiencies, and they took thousands of pages of testimony, in many instances turning the spotlight on bad practices or inefficiencies in defense industry; and administration later improved because of public reaction.

The Senate as a Council. Nominations received by the Senate during

³⁷ See Senate Report 502. ³⁸ October 19-22.

³⁹ The subjects of investigation were: Civil Service Personnel (H.Res. 16), Small Business (H.Res. 18), Wild Life (H.Res. 20), Federal Communications Commission (H.Res. 21), Progress of War by Military Affairs and Naval Affairs Committees (H.Res. 30), Air Activities (H.Res. 33), Cost of Farm Products Process (H.Res. 38), Merchant Marine and Fisheries on National Defense (H.Res. 52), Petroleum by Interstate and Foreign Commerce (H.Res. 58), Un-American Activities (H.Res. 65), Budget Estimates and Administrative Expenditures (H.Res. 69), Grade Labelling (H.Res. 98), Jurisdiction of Government Agencies (H.Res. 102), Investigation of Government Personnel to Determine Fitness (H.Res. 105), Federal Security Administration (H.Res. 119), Defense Housing Program (H.Res. 121), Conditions in Puerto Rico (H.Res. 159), Roads (H.Res. 243), Public Lands (H.Res. 281); and Air Commerce (H.Res. 307).

⁴⁰ The subjects were: Conservation of Wild Animal Life (S.Res. 246 of 71st Congress), Silver Purchase Act of 1934 (S.Res. 187 of 74th Congress), Marketing of Wool (S.Res. 160 of 74th Congress), Administration of Civil Service Laws (S.Res. 198 of 75th Congress), Small Business (S.Res. 298 of 76th Congress), Truman Committee (S.Res. 71 of 77th Congress), Gasoline and Fuel Oil Shortage (S.Res. 156 of 77th Congress), Senatorial Campaign Expenditures (S.Res. 235 of 77th Congress), Use of Fuels West of the Mississippi River (S.Res. 319, 77th Congress), Post-War Economic Policy (S.Res. 102, 78th Congress).

the session totaled 11,656, of which 11,298 were confirmed, two rejected, thirteen withdrawn, and 343 left unconfirmed. This was the second highest number of nominations offered the Senate in any one session. Generally, the disposition of nominations was merely a routine matter—they were referred to the proper committees, studied briefly, reported to the Senate, and confirmed after little or no debate. One of the most debated nominations of the year was that of Admiral Land to the Maritime Commission, the proceedings of which involved some 48 pages of the *Record*.⁴¹

More debated than the nominations themselves was the McKellar Bill (S. 575) requiring submission to the Senate of all appointees "receiving compensation at a rate in excess of \$4,500 a year." This measure was debated on four different days and finally passed by a vote of 42 to 9; but it never became law. Likewise, two abortive attempts were made to attach the intent of the McKellar Bill to appropriation bills.⁴²

The time the Senate devoted to ratifying treaties during the session was insignificant.⁴³ The Senate, however, did expend much energy on the question of treaty-making. In pursuance of a resolution introduced by Senator Vandenberg on July 6 (S. Res. 170), a special subcommittee composed of members of the Foreign Relations Committee was appointed to conduct an investigation of the United Nations Relief and Rehabilitation Draft Agreement which the Executive and the State Department had announced would "be executed by executive agreement. It was to be done exclusively by the administrative arm of the Government, without reference to Congress." The committee found that the draft "did involve practically illimitable obligations on the United States almost in perpetuity, and that as drawn it was a treaty, or should have been. Certainly it was not an obligation such as could be concluded merely by Executive agreement."⁴⁴ In pursuance of this investigation, the special subcommittee and certain officials of the State Department rewrote the draft agreement, Senator Vandenberg said, so as "to eliminate from it those illimitable commitments which carried it into the realm of a treaty, and to bring it back into what we thought was the realm of an agreement. We succeeded in rewriting it to a point where it is now literally nothing more than the authorization of appropriation, and there is no commitment in the text to anything except the expenditure of such moneys as are specifically appropriated from time to time by Congress for this purpose."⁴⁵

⁴¹ *C.R.*, pp. 2755-2802.

⁴² See H.R. 2968, War Agencies Appropriation Bill, and H.R. 2935, Labor Federal Security Appropriation Bill.

⁴³ Two treaties were acted upon during the session, both of which were ratified: a convention with Mexico on consular offices, and relinquishment of extraterritorial rights in China.

⁴⁴ See *C.R.*, p. 8903. This quotation was taken from remarks by Senator Vandenberg. ⁴⁵ *C.R.*, pp. 8903-8904.

The longest-debated issue of the session was the Connally peace machinery resolution (S. Res. 192), occupying ten days. Much emphasis in that prolonged debate was placed on "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." It was emphatically contended on the Senate floor by several Senators that the treaty-making power is divisible; "that there are two functions which the Senate performs. One function is to advise, the other is to consent." This definition was emphasized out of a common purpose among the Senators to discredit the opinion advanced by the solicitor of the State Department to the effect that a two-thirds vote on the Connally Resolution would not only be giving advice to the President as to a peace treaty following the war, but would be giving consent to any treaty made in pursuance of that resolution. Thus, the Senators handling the resolution insisted that regardless of the majority vote by which the resolution was passed, Senators could not destroy the powers which still rest in the Senate of the United States to modify a treaty sent to the body by the President. By and large, this was one of the most extensive discussions of the treaty-making power found in Senate debates at any time in recent years. The House, too, had much to say about treaties in connection with the Fulbright Resolution on peace machinery (H. Con. Res. 25).

The President's Relations with Congress. The relations between the President and Congress were much the same as in other recent years. While he did not have everything his way, the Chief Executive mapped out the legislative program which in the main was enacted.

In determining the President's influence over legislation, the difference between the President getting legislation which he proposes and blocking that which he opposes is significant. The President needs only a bare majority in both houses to get a desired bill enacted—something which President Roosevelt has been able to do on most occasions since 1933. But the mere fact that the President publicly proposes legislation does not necessarily mean that he will put forth any effort to get such legislation. When he recommends legislation, and works for it, he usually gets it; as a rule, the only time he fails to get legislation that he really works for is when fundamental sectional issues are raised which force a coalition of the Republicans and the Democrats representing the section of the country involved.

The power to block legislation is a different matter. Here the President needs only the support of one-third of the membership of either House. This was clearly brought out in the President's fight with Congress over subsidies and the increase in farm prices. His ability to block legislation to outlaw consumer subsidies is cited above. In the case of the so-called Bankhead Bill (S. 660) determining parity prices of agricultural com-

modities in an endeavor to raise the prices of farm products, Congress passed the bill by a large majority. The President vetoed it on April 2 and on April 8 sent a "sharply worded" statement warning Congress to hold the line against inflation. The Senate, of course, had already referred the veto message to the Agricultural Committee without taking a vote on it. In his April 8 message, the President stated: "I cannot wait to see whether the committee at some future date will again report the bill to the Senate."⁴⁶ He made this statement, fearing that the Senate would hold this lever over him by threatening to report the bill at some later date.⁴⁷

The President took the position that Congress had taken advantage of him in the bill increasing the debt limit (H.R. 1780) by including a rider to repeal his executive order limiting salaries to \$25,000 after tax deductions. The President never signed the bill nor did he veto it; he just let it become law without his signature.⁴⁸

The President, on February 11, submitted budget estimates⁴⁹ to Congress requesting \$100,000,000 for incentive payments to producers to encourage an increased acreage of Irish and sweet potatoes, beans, dried peas, soy beans, peanuts, grain sorghums, flax, and certain vegetables; and these were referred to the House Appropriations Committee. On February 15, an Appropriations subcommittee, by a vote of 6 to 1⁵⁰ flatly rejected the recommendations.

The President was not successful in his contests with Congress over

⁴⁶ See Senate Document 25. Senator Smith, chairman of the Senate Agriculture Committee, stated at the time of the conflict: "I intend to stick by my guns and vote to override the veto, but when the master cracks the whip, most of my colleagues seem to run for cover. The New Deal has messed up the whole farm situation, and I hope a tornado blows along in 1944 and sweeps every New Dealer from Washington." See Washington News Service ticker for Apr. 3, 1943.

⁴⁷ On November 1, the President submitted a 23-page message to Congress, "Outline of Food Program." See House Doc. 347.

⁴⁸ The President wrote Congressman Doughton a letter, dated February 17, in which he stated: "I told you that I hoped the Public Debt Bill could be passed without adding amendments not related to the subject, but that if the Committee thought otherwise, I would later write you my views. . . ."

"When the act of October 2, 1942, was passed, it authorized me to adjust wages or salaries whenever I found it necessary 'to correct gross inequities and also aid in the effective prosecution of the war.' Pursuant to this authority, I issued an Executive Order in which, among other things, it was provided that in order to correct gross inequities and to provide for greater equality in contributing to the war effort, no salary should be authorized to the extent that it exceeds \$25,000 net after the payment of taxes. Provision was made for certain allowances in order to prevent undue hardships."

"The legality of the Executive Order was attested by the Attorney General prior to its issuance. No Executive Order is issued without such approval."

⁴⁹ See House Doc. 101.

⁵⁰ See *Wall Street Journal*, Feb. 16, 1943.

several matters important to him. Congress overrode his veto and enacted the Connally-Smith Anti-Strike Bill within less than two hours after the veto message reached Capitol Hill.⁵¹ Congress liquidated the NYA by carrying a provision to that effect in the Labor-Federal Security Appropriation Bill⁵² and the HOLC by carrying a provision to that effect in the Independent Offices Appropriation Bill.⁵³

Both of these liquidations had been recommended by the Joint Committee on Reduction of Non-Essential Federal Expenditures, headed by Senator Byrd.⁵⁴ Likewise Congress, against the wishes of the President, appropriated only \$50,000 for the liquidation of the NRPB, which was to be abolished effective on August 31, 1943; and the functions exercised by the Board were not to "be transferred to any other agency and shall not be performed after such date except hereinafter provided by law or as authorized in the ensuing proviso of this paragraph with respect to winding up the Board's affairs."⁵⁵

Congress permitted the Bituminous Coal Act of 1937, another measure sponsored by the New Deal, to expire by refusing to enact a bill extending it; the Administration had requested its extension. During the session, two joint resolutions⁵⁶ extending the life of the Coal Act 30 days and 90 days respectively, were enacted; and another (H. J. Res. 145) was reported to the House, but the Rules Committee refused to grant a rule permitting it to be considered. A bill to continue the Coal Act for two additional years was never considered by the Ways and Means Committee, to which it was referred.

The reciprocity treaty program was continued for two additional years at the President's request, after much debate, and after warnings by Administration leaders in Congress to the effect that the President would veto the bill if it were "badly amended." Senator Gillette opposed the extension of such authority to the President, insisting that trade agreements be subject to Congressional review. Because of the fact that a communication from the President to the Vice President trying to influence the passage of the bill was read to the Senate, Gillette warned the

⁵¹ It is reliably reported to the writer that the President sent the message to the Secretary of the Senate with the understanding that it be not taken to the Senate floor until late in the afternoon. Likewise it was a known fact that Senator Connally, author of the bill, was leaving Washington for Canada on a late afternoon train. Senator Lister Hill was acting as floor leader during Barkley's absence. It was reported to Hill that the veto message was in the Secretary of the Senate's office, but was not to be brought out until the later afternoon. Hill, a staunch supporter of the Connally Bill, defied the plan and immediately had the veto message taken in on the Senate floor and called up before Senator Connally left for Canada. Within less than half an hour, the Senate had overridden the veto. ⁵² H.R. 2935, P.L. 135.

⁵³ H.R. 1762, P.L. 90.

⁵⁴ See Senate Docs. 48 and 54.

⁵⁵ See P.L. 90.

⁵⁶ H. J. Res. 113, H. J. Res. 122.

Senate that if ever the President again attempted to lay before the Senate letters addressed to others than members and presented by others than Senators themselves, he would raise a point of order against such procedure. He protested any action by the President "to influence the course of pending legislation by unsought advice, threat of disapproval, or other type of pressure."⁵⁷

Much ill-feeling between Congress and the Administration arose over the United Food Conference held at Hot Springs, Virginia. Congress criticized severely the action of the Administration in excluding the press from the Conference, and resolutions were introduced repudiating the ruling of the Administration relating to such closed conferences. No retaliatory action, however, was ever taken.⁵⁸

During the year, there were conflicts within the Administration in which Congress participated. Representative Martin Dies took part in the removal of John Bovingdon from the OEW. Dies had accused Bovingdon of subversive activities, and had announced his intention to present an indictment against him. Before this was done, Leo Crowley removed him, and out of gratification over this action Dies stated: "I have been certain for a number of years that there is a clique in Washington who are determined to change this country to some form of dictatorship. The clique, pursuant to their plans, has attempted to pack Government services with people like Bovingdon."⁵⁹ On July 29, Representative Taber asked that Milo Perkins be ousted from the BEW; and after the dispute between Vice President Wallace and Secretary of Commerce Jones, when the BEW was changed to OEW, Perkins disappeared from the scene.⁶⁰

On the other hand, it is evident that the Administration had some effect on the removal of Representative Cox from the chairmanship of the special House committee investigating the Federal Communications Commission. The committee attempted to make some investigations and to get the records of some administrative agencies, which it was denied. In its attempt to investigate Harold E. Smith, director of the budget, over certain records, Mr. Smith announced that he had "been directed by the President not to make the Bureau files available to the committee and not to testify if called as a witness."⁶¹ Likewise, Chairman Fly of the FCC refused to testify. Finally, Representative Cox resigned because of Administrative pressure. Federal Communications Commissioner Durr wrote Speaker Rayburn a letter charging him with misuse of his ap-

⁵⁷ For remarks by Senator Gillette on this matter, see the *Record* for June 2, pp. 5274-5275.

⁵⁸ See the Washington City News Service (ticker) for Apr. 14, 1943.

⁵⁹ *Ibid.*, Aug. 12, 1943.

⁶⁰ *Ibid.*, July 5, 1943.

⁶¹ *Ibid.*, July 9, 1943.

pointive power in making Cox chairman of the committee, since the appointee had a personal interest in the matter.⁶²

During the session, the President vetoed sixteen bills, with one veto overridden.⁶³ The House attempted, but failed, to override his veto (on June 2) on the discontinuance of the CCC and on outlawing subsidies.⁶⁴ Three of the vetoes were of the pocket variety.⁶⁵

THE NEED FOR BETTER EXECUTIVE-LEGISLATIVE TEAMWORK IN THE NATIONAL GOVERNMENT

ESTES KEFAUVER

Member of Congress from Tennessee

The United States must assume leadership among the nations of the world if peace is to be maintained. If, after the present holocaust, we do not create a better world, in which justice and neighborliness shall supplant tyranny and war, the sacrifices being made by our fighting men will have been in vain.

Are we prepared to assume this necessary leadership? Can we chart the course for a better world when we do not agree on our own international postwar program? Congress and the Executive must work together in our international relations if we are to have a long-range foreign policy. Some method must be found to enable the Executive and Congress to have a better understanding of the facts and closer unity on international problems. Moreover, on the home front, there is a desperate need for more direct *liaison* and for a clearer understanding between the executive and legislative branches of our government.

These highly desired results can be accomplished. A good start can be made by a mere change in the rules of the House to permit cabinet members and heads of agencies to meet House members face to face and talk things over. This is the worthy purpose of House Resolution 327.

Present System Chaotic. The working of our form of government and our methods of administration and legislation are being challenged today by newspaper editors and columnists, by political scientists and public administrators, and by members of Congress. It is stated that our political machinery was devised for a simple agricultural society, but is no longer competent to resolve efficiently the issues imposed on government by the needs of a great industrial nation.

⁶² See *C.R.*, p. 7987.

⁶³ See S. 796.

⁶⁴ H. R. 2869.

⁶⁵ A section of this article dealing with "Congressional reform" has been omitted for the reason that the subject is dealt with in the article that follows and will be considered further in an article to appear in the June issue. MAN. ED.

For example, the editors of *Time*, *Life*, and *Fortune*, in the November, 1943, number of *Fortune*, present a large-scale report on "Our Form of Government," in which they suggest various ways of achieving a more effective presidency and of "rehabilitating Congress." Charles A. Beard, distinguished historian, in his new book, *The Republic*, devotes a chapter to a "critique of the Federal system." Henry Hazlitt, one of the editors of the *New York Times*, in his recent book, *A New Constitution Now*, criticizes our system of checks and balances. Members of the Seventy-eighth Congress have introduced a score of proposals to modernize its machinery and facilitate the operations of the legislative branch. All of this discussion is evidence that something is wrong with our political machinery.

The need for closer collaboration between Congress and the Administration has frequently been felt and voiced in the course of our national history. So long as the United States was half empty, prosperous, and well protected by broad oceans, the old balance-of-power system was tolerable. But now that the nation is crowded, harassed by serious social and economic problems, and deeply involved in world affairs, better teamwork between the legislative and executive branches of our national government is essential to our welfare and security. No item on the present agenda of democracy has a higher priority than that of inducing closer, stronger, steadier cooperation between the President and the Congress in promoting the welfare of the people of the United States and the United Nations.

Effective cooperation between the two great political branches is indispensable for successful government, which is what we need in these crucial times: government equally effective for the waging of war and the organizing of peace.

Teamwork Anticipated by the Founding Fathers. Though the Constitution in some ways makes it easier for the executive and the legislative branches to cherish their formal separation than to cooperate in the discharge of their joint responsibilities, the Founding Fathers intended that the nation should never be without an effective government. They so arranged it that this need never happen.

A better ordering of Presidential-Congressional relationships requires no amendment of the Constitution. All that is necessary is a ready determination to use the freedom open to us in the Constitution to improve and strengthen the relations already linking Congress and the President. Ten years ago, President Roosevelt said to the Congress: "The letter of the Constitution wisely declared a separation, but the impulse of common purpose declares a union."

In recognition of this need for closer cooperation, a variety of proposals have recently been made by responsible citizens. In the field of foreign

policy, formation of a Foreign Relations Advisory Council, or of a joint Congressional-Presidential Committee on Foreign Policy, has been urged. *Fortune Magazine* advocates collaboration in fiscal management through a central fiscal bureau in the Treasury and a joint Congressional fiscal committee. The designation of Congressional advisers to major administrative agencies has been suggested. Roland Young, author of *This Is Congress*, proposes the formation of a legislative cabinet that would have a voice in the advisory councils of the Administration. Senator O'Mahoney favors the further use of mixed commissions like the TNEC, on which sat representatives both of Congress and of the Administration. Congressman Monroney is urging creation of a special committee to study methods of overhauling Congress. In these and other ways it is proposed to institutionalize the existing informal and extra-legal relations between the two branches.

As a first step in this desirable direction, I introduced a resolution (H.R. 327) in the House of Representatives on October 19. This resolution, which was sympathetically discussed in the House on November 12, proposes to amend the rules of the House to provide for a question period during which heads of executive departments and independent agencies would be requested, but not required, to appear, report, and answer questions.

Under this proposal, two hours would be set aside at least every two weeks, but not oftener than once a week, when members of the House could question administrative officials on the floor of Congress. Half of the time would be devoted to written questions that had previously been approved by the proper legislative committee, submitted to the official, and printed in the *Congressional Record*. The latter half of the question period would be reserved for oral questions by members of the House, control of this time being divided equally between the chairman and ranking minority members of the committee which issued the invitation and approved the written questions. The proceedings during the question period would be printed in the *Record* for all to read, unless in an executive session.

Purpose of House Resolution 327. The idea of this plan is to enable the members of the House to secure first-hand information directly from the administrators charged with the responsibility of operating their departments, and also to give the executives an opportunity to explain the functions of their departments, the manner in which they are doing their work, and the value of proposals which they may have made. The machinery for screening the questions propounded during the first part of the question period would give the administrators advance notice of the subject-matter in which the committee issuing the invitation and the members of the House were interested.

It is intended that questions asked from the floor during the latter half of the period shall be germane to the preceding discussion. The Speaker of the House and the chairman and ranking minority members of the committees can see to it that the questions are germane and that they are not asked for partisan or political purposes. The safeguards in the resolution are intended to make these sessions of genuine benefit to the legislators, the executives, and the public. They are not to be used for the purpose of heckling any administrator or for asking picayune questions.

The problem in working out a resolution to set up this useful system is to give as much leeway to the members of the House in their effort to secure information as possible and, at the same time, give ample protection to the executives from embarrassment and from being called upon to answer questions when the information, if given, would not be in the public interest. The protections of the resolution are intended to accomplish these desirable results and, at the same time, to eliminate the objections that have so often been made to similar proposals.

Historical Precedents Sustain the Plan. This is not a new idea, nor is it without ample precedent in our history. President Washington and various members of his cabinet appeared before the first two Congresses. This precedent was not followed thereafter, for temperamental reasons.

The first Congress, whose membership contained many members of the Constitutional Convention, gave definite sanction to the idea here put forth. Congress, in creating the office of Secretary of the Treasury, declared that "he shall make report and give information to either branch of the legislature either in person or in writing," as either house may require. That Hamilton, the first Secretary of the Treasury, was never asked to report in person was due in part to the opposition of the rising Jeffersonian party as voiced by Madison.

In 1864, a bill to permit the heads of the executive departments to occupy seats on the floor of the House was reported unanimously by a select committee headed by Mr. Pendleton of Ohio. The urgency of the Civil War rendered it difficult to secure attention to the subject, although the debate revealed strong support for the measure by many distinguished legislators such as James A. Garfield, afterwards elected President, and James G. Blaine, afterwards Speaker of the House. Later, during the 46th Congress, a resolution was introduced by Mr. Pendleton, then a Senator, to make it possible for heads of executive agencies to appear on the floor of the Senate. This resolution was referred to a select committee of seven, which unanimously reported it. The committee was composed of three Democrats and four Republicans, and its membership was made up of men whom it would be difficult to surpass for ability and statesmanship. The signers of the report were Senator Pendleton, at one time Democratic candidate for Vice-President; Senator James G. Blaine, who was

twice Secretary of State and later a Republican candidate for President; Senator W. B. Allison, who was for 35 years a member of the Senate; General M. C. Butler, a Confederate veteran and a Major General in the Spanish American War; Senator James T. Earley; Senator John G. Ingalls; and Senator Orville H. Platt.

Confederate Convention Recognized Value of Cooperation. It is significant that a provision in the constitution of the Confederacy gave the Confederate Congress the right to bring itself into close coöperative relations with the executive by granting seats, with the privilege of debate, to the heads of the departments. The capable men, many of whom had been members of Congress, who met to draft the constitution of the Confederate States wisely determined that in forming a new government no better instrument could be framed than that under which they had themselves experienced the advantages of representative government. They established the executive department and the legislative branch in precisely the same manner as under the Constitution. The innovation was undoubtedly considered an improvement based upon long experience of the disadvantages of a lack of sufficient coöperation and intercourse between these two branches of the government. The improved procedure had actually been practiced under the provisional Confederate Government of 1861, but after the formal constitution came into operation, conditions created by the War Between the States prevented carrying out the plan. "This wise and judicious provision," says the President of the Confederacy, "which would have tended to obviate much delay and misunderstanding, was never put into execution by the necessary legislation."

Presidents Taft, Wilson, and Hoover favored similar proposals; and on November 19, 1943, Secretary Hull made a personal report directly to Congress on the Moscow conference.

Need for the New System Imperative. My reasons for reviving the idea at this time are fairly obvious. I think its adoption would have a beneficial effect upon Congress, the Administration, the national government, and public opinion. From the viewpoint of Congress it would enable us to become better informed concerning the operation of the executive branch and to exercise more effective oversight of the Administration than is permitted by the cumbersome and irksome method of special investigation. Spasmodic inquiries by select committees, as Woodrow Wilson once observed, do not afford Congress more than a glimpse of the inside of a small province of Federal administration. "Hostile or designing officials can always hold it at arm's length by dexterous evasions and concealments. It can violently disturb, but it cannot often fathom, the waters of the sea in which the bigger fish of the civil service swim and feed. Its dragnet stirs without cleansing the bottom. Unless it has at the head of the departments capable, fearless men, altogether in its confidence and

entirely in sympathy with its designs, it is clearly helpless to do more than affright those officials whose consciences are their accusers."

Committee hearings, moreover, are poorly attended, and members of Congress do not take part in them unless they are members of the committee holding the hearing. I also believe that my plan would reduce irresponsible criticism of administrative practices to which the American people have objected.

From the administrative viewpoint, the question period would provide officials with an opportunity to acquire a better understanding of the intent of Congress in passing a law, to explain the problems and difficulties that have arisen in its application, to answer charges made against them, and to justify their policies. A frank exchange of questions and answers would go a long way, I believe, toward clearing up the confusion and reduce the delays and bickerings that have lately characterized the so-called "Battle of Washington."

No Encroachment on Traditions. The plan here suggested involves no encroachments by the legislative branch upon the constitutional privileges of the President, or of his advisers; and, conversely, no invasion by the executive of the jurisdiction of the legislative branch is involved. The plan proposes no modification of the constitutional distribution and separation of the functions of the three departments of our government. It merely calls for the use of a technique which is available to us under the Constitution. It will put into operation a method of communication which the Founding Fathers left available to us, and which they anticipated we would use.

The plan does not upset the balance of power between the two branches; it violates no tradition, unless it be the almost traditional chaos of the House legislative process. It is not designed to make the cabinet a dictator to the House, as obtains in the House of Commons in Britain. In exchange for the right to call up the department heads and the chief administrators of the great new agencies like Social Security, Federal Works, and Housing—to mention no others—these executives can defend themselves on the floor, rather than be forced to take the roundabout method of the radio or the press. One of the great advantages would be that by this simple, workable device the common citizen would find it much easier to discover what is going on in Washington. The whole matter rests on the voluntary coöperation of all concerned. The House could not compel attendance of the executive chiefs for questioning. It would not need to do so. On the part of Congressmen, working through their established committees, the irrelevant and immaterial questions would clear through the appropriate committees as an essential safeguard for orderly procedure. The device would tend to cut down the amount of irresponsible criticism of administrators, now so prevalent. The cabinet

members' press conferences and the committee hearings go only part way in the direction of improved communications.

Contemporary Indorsements. The legislative experiences of former and present members of the House and Senate are of value in weighing the merits of this proposal. Mr. Charles E. Hughes, former Secretary of State and Chief Justice of the United States, has expressed himself in favor of the proposition. Former President and Chief Justice Taft made an important contribution to the suggestion when as President he transmitted a strong message to the Congress urging adoption of a similar proposal. Mr. Elihu Root, who was a member of the Senate, Secretary of War, and Secretary of State, had this to say on the subject: "I have long been of the opinion that it would improve the conduct both of the Legislative and Executive business of the Government to have the heads of the Executive Departments entitled to seats in the Houses of Congress, with the right to be heard and the duty to give information, under appropriate regulations. Mr. John W. Davis, formerly a member of the Judiciary Committee of the House, Solicitor General in the Wilson Administration, and Democratic candidate for President, also endorses the proposal in no uncertain terms.

Recommendations for the adoption of a similar plan have been made by hundreds of thoughtful statesmen, governmental administrators, and political scientists. There should remain little doubt as to the advantage of the system to the legislative and executive business of the government. Objection is made by some in the executive branch on the ground that the responsibility of cabinet members is primarily to the President and that their authority should not be divided. This aspect of the subject is well worth questioning. The Constitution declares that "the Executive power shall be vested in the President of the United States"; and for the purpose of aiding him in the discharge of that duty he may "require the opinion in writing of the principal officer in each of the Executive Departments upon any subject appertaining to the duties of their respective offices." Nothing can be taken from the constitutional power of the executive. The bringing into direct contact of the heads of the departments with the able men the country possesses in its national legislature will not, because it cannot, diminish the constitutional authority of the Chief Executive. It can only result in a better relation between the two branches; and a better understanding, throughout the country, of their relation would be established.

Modern Conditions Require New Methods. In a complex society such as we have today, it is necessary to concentrate great and far-reaching power in the executive. This condition will continue regardless of the administration in power. One of the great values of having cabinet members and administrative agents report in person to the members of the House is

that such appearances would necessitate clear definitions of policy on the part of the executive. Some cabinet members and heads of agencies do not know what the President's policy is on certain particular matters under their jurisdiction. This is no reflection on the present Administration, as the same condition has always existed. Before an administrator appeared at a question period, he would naturally call upon the Chief Executive to define clearly the policy of the Administration in regard to the matters about which he was going to be questioned. Also, many questions of policy which should be decided by the administrator himself remain undetermined. Faced with the invitation to make a personal report to Congress, the administrator would be running a great risk if he did not settle those undetermined matters of policy affecting his department before submitting himself to the House members for interrogation.

Congress has created many independent agencies and commissions. Primary responsibility for the success of the administration of these agencies rests upon the Congress, and not upon the President. This is not generally understood. When there is maladministration in such agencies, the Chief Executive, nevertheless, gets most of the blame. A report and question period would clearly define for the public the authority and the responsibility for the successful conduct of the work of these independent agencies.

From the viewpoint of the general public, adoption of my suggestion, which I submit for consideration in all humility, would have the advantage of enabling the ordinary citizen to find out what is going on in Washington. Today, the average man on the street often has only the foggiest ideas concerning the inner workings of the war machine, government plans for postwar demobilization, reconversion, employment, social security, lend-lease, and the like. As the editors of *Fortune* point out, "there seems no valid reason, now that the United States' fear of George III and his domination of Parliament has faded away, why the tradition that it motivated—against Cabinet participation in Congressional debate—should not be allowed to lapse. A monthly full-dress debate involving the Secretary of the Treasury, his under-secretaries, and the members of Congress should add greatly to mutual understanding, and to public understanding as well." What they say with special reference to fiscal policy applies with equal force to other public questions.

Plan Helpful to Federal Government as a Whole. From the standpoint of the federal government as a whole, I suggest that it would help bridge the chasm between the two branches and make for better teamwork at a crucial period in our national history if cabinet members and other important administrative officers were allowed on certain occasions to address the houses of Congress and to submit themselves to questioning. They do this now at committee hearings and at press conferences, but they

do not do it before the whole House. I believe that the question period would inform and reinvigorate both the legislative and administrative processes. It would quicken the pace of government without disturbing the balance between the two branches.

In short, my suggestion is one way of improving the channels of communication between Congress and the executive branch at a time when our salvation at home and abroad depends upon their ability to work together. And it requires no constitutional amendment, no new laws—simply an amendment of the rules of the House.

FEDERAL REVENUE LEGISLATION, 1943-1944

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The Revenue Act of 1943 will be remembered not only as the first one in history to be vetoed by the President, but also as the cause of an outburst in Congress against the executive capable of affecting the fortunes of the Democratic party in the 1944 elections. The significance of this last act in the drama (to date) may be clarified if we review the fiscal situation of the United States at the time, the Administration's tax proposals, and the revenue legislation actually resulting.

In January, 1943, the President's budget message estimated expenditures of \$100 billion for the fiscal year ending June 30, 1944. Tax revenues for the same period were estimated at \$35 billion. The President made three recommendations: (1) raise \$16 billion in new tax revenue, or savings, or both, (2) simplify the income tax, and (3) put taxes on a pay-as-you-go basis. In the summer and fall of 1943, Congress enacted legislation to carry out certain parts of the last two proposals. Public discussion had forced on it some consideration of collecting taxes currently.

In October, 1943, Congress took the first step toward a general revenue bill by opening public hearings at which the Secretary of the Treasury presented his proposal for raising \$10.5 billion in new taxes—not the \$16 billion originally recommended by the President. The program met instant and vigorous protest. Chairman Doughton, of the Committee on Ways and Means, called it indefensible. The complete and hasty brushing aside of the Treasury proposal was, to a large extent, a repercussion of a growing rift between Congress and the President. It reflected also a different point of view concerning the economic situation. The President and the Secretary of the Treasury persistently emphasized the need for heavy taxes to prevent inflation, whereas the Committee on Ways and Means was "firmly convinced that the proper psychology (and freedom from fear of inflation) can be maintained only by strict economy in gov-

ernment expenditures, through effective price control, rationing, and wage control."

The House bill provided for new revenue of about \$2.3 billion and the Senate Finance Committee bill provided for about the same. While the measure was under consideration in the Senate, the President presented his annual budget message (January, 1944), reiterating the Administration's request for \$10.5 billion, although in an almost perfunctory manner.

The Senate passed an amended bill and both houses adopted the ensuing conference report and sent it to the President on February 10, with the assurance of party leaders that it was all that Congress would be willing to do in raising tax revenue during the current year. Because of criticisms by the President and other members of the Administration, many thought the Chief Executive would let the measure become law without his signature, as he had done under similar circumstances in 1938. On February 18, however, when vetoing the anti-subsidy bill (the bill to extend the life of the Commodity Credit Corporation), he indicated that he would return the tax bill to Congress not later than February 22, the last day he could hold it if it were not to become law; and this was generally interpreted to mean that he would take the unprecedented step of vetoing an important tax measure.

The veto message of February 22 was, therefore, not unexpected. It was not anticipated, however, that it would be couched in the bitter terms employed. Congress was condemned in stinging words, and, strangely and inconsistently, the President repudiated some of his own previous utterances and those of the Secretary of the Treasury. He objected to freezing Social Security taxes at the 1943 rate of one per cent and the consequent loss of \$1.1 billion in collections. He objected also to the extension of depletion provisions relative to certain minerals, to the exemption of natural gas pipelines from the excess profits tax, to the revised method of taxing income of lumber companies, and to other less important features.

Placing on Congress the responsibility for the complexity and multiplicity of income tax forms, the President recommended that legislation for simplifying the tax be enacted as quickly as possible. He asked, too, for elimination of the Victory tax. Willingness to approve a simple joint resolution enacting the increased excises of the vetoed bill was expressed. But he would not sign the measure as passed by Congress: "It is not a tax bill but a tax relief bill providing relief not for the needy but for the greedy."

The President's clever but caustic phrases touched off a volcano of protest in Congress. In a most unusual attack, Senator Barkley, the trusted majority leader, turned on the President and assailed the message not only as misleading but as "a calculated and deliberate assault upon the legislative integrity of every member of the Congress of the United States."

Such aspersions he would not take "lying down"; and he served notice that he had called a Democratic caucus for the next day at which he would submit his resignation as majority leader.

The President was out of the capital for a rest, and must have been surprised by the turn of events. To Barkley he sent a soft-worded message of reconciliation, expressing his appreciation of all that the Senator had done and requesting him not to resign. The threat, however, was duly carried out—after which the vindicated leader was unanimously reelected by his party colleagues. On February 24, the House voted to override the veto (299-95); the Senate vote on February 25 was equally decisive (72-14).

Following are brief analyses of the three tax measures referred to above: (1) the Current Tax Payment Act, (2) the Victory tax adjustment, and (3) the Revenue Act of 1943;

Current Tax Payment Act. For many years, personal exemptions were so high that they relieved most families in the United States from payment of the federal income tax. The personal exemptions in the law of 1913 were \$3,000 for a single person and \$4,000 for a married person or a head of a family. These exemptions have been lowered in the course of the years, but even as recently as 1941, only about 17 million persons made returns. War revenue needs led to decisive reductions in personal exemptions,¹ and war industry produces more income; so that in 1944 the Treasury expects about 50 million returns.

Numerous reasons were presented to Congress for making tax payments current, i.e., as income is earned rather than a year later. Foremost was the fact that if the tax is not paid as income is received, the Treasury stands a chance of losing much revenue, especially from small and new income taxpayers. It was hoped, too, that by withholding the tax at the source, taxpayers would be relieved from making out so many complicated forms. Unfortunately, however, this has not been the result. A third consideration was that current payment would be an important factor in lessening unnecessary spending and, therefore, in curbing inflation, inasmuch as the taxpayer cannot spend money he does not receive or which he pays in taxes to the government as soon as he gets it. Such a proposal was not, indeed, radical, because employers and employees have paid withholding taxes on payrolls since the Social Security Act became effective in 1936.

There was much popular discussion in favor of the pay-as-you-go proposal. The big problem in inaugurating a system of paying income taxes a year earlier was what to do the first year for taxpayers who had two years'

¹ To \$500 for a single person, \$1,200 for the head of a family, and \$350 for each dependent (in 1943).

taxes to pay in one year. This difficulty of "getting over the hump" delayed the measure. The Administration was reluctant to lose revenue by forgiving 1942 taxes. The large tax payments were serious for both the Treasury and the taxpayer, particularly in a year when the war needs and tax rates were heavier than for any previous year. Great pressure was put on Congress to cancel the tax due in 1943 on 1942 income; but this proposal was rejected by the Treasury and the President, who pointed out that it was important to tap all sources to secure adequate revenue as well as to curb inflation. After much controversy, a compromise was reached, it being agreed that taxpayers should pay in full either their 1942 or their 1943 tax, whichever was larger, plus one-fourth of the tax for the other year.

The Current Tax Payment Act, signed June 9, 1943,² provided for withholding at the source 20 per cent of income after allowing exemptions of \$1,248 for a family and \$624 for a single person. Effective July 1, 1943, this withholding applied to all income with the following exceptions: income paid to members of the armed forces; income paid for agricultural, casual, or domestic service, and for services performed by a minister of the gospel, by a non-resident alien, or by United States citizens outside of the United States.

Victory Tax Revision. Another problem raised by the effort to secure current tax payment was connected with the credit allowed for the Victory tax. This tax, first effective January 1, 1943, provided for withholding 5 per cent of income (after exemptions of \$624 for a single person and \$1,248 for a married couple) without the customary deductions. Part of this was in the nature of a credit or forced loan, and was to be returned to the taxpayer either currently or after the war. The law was not specific as to when or how this credit or refund would be made. On October 28, 1943, the President signed a measure³ allowing a single person to have a credit each taxable year of 25 per cent of the Victory tax, or \$500, whichever was less. A married person or a head of a family could have a credit of 40 per cent of the Victory tax or \$1,000, whichever was less, plus 2 per cent for each dependent.

Revenue Act of 1943. As indicated above, the Revenue Act of 1943 was finally passed over the President's veto by the House of Representatives, February 24, and by the Senate, February 25, 1944. The income taxes apply to incomes received after December 31, 1943; the new postal rates are effective thirty days after the passage of the Act (March 26); and the increased excises begin April 1, 1944. It is estimated that the measure will yield slightly over \$2.3 billion new revenue in a full year of operation. Something over one-fourth of this amount will result from lessening de-

² Public Law 68—78th Congress.

³ Public Law 178—78th Congress.

ductions from individual incomes (rather than from increased rates). Increased corporation taxes are expected to yield \$502 million; the balance (\$1,051 billion) is expected to come from higher excises on commodities and services.

The normal and surtax rates of the 1942 law were not changed. The Victory tax rate was reduced from 5 per cent to 3 per cent and the refund provisions of the previous laws were eliminated. The maximum amount of normal tax, surtax, and Victory tax combined is limited to 90 per cent of an individual's net income. One important change is the elimination of the earned income credit; another is that federal excise taxes are not deductible for income tax purposes, except in cases where they are business expenses.⁴

At least three important changes were made in the corporation tax sections: the excess profits tax rate was raised from 90 per cent to 95 per cent and the specific exemption from \$5,000 to \$10,000; the credit for invested capital was reduced; and certain corporations, such as labor unions and farm coöperatives—even though tax-exempt—will hereafter be required to file income returns.

Several revisions were made in the estate and gift tax provisions, but rates were not changed. Social security rates were frozen at 1 per cent. Almost all the federal excises on liquors, admissions, dues, transportation, communication, cosmetics, and certain luxury goods were increased. Local first-class mail, airmail, and registry, money order, and parcel post rates were increased.

When the President submitted his 1945 budget message (January, 1944) he explained that government expenditures for the preceding fiscal year (1943) were about \$80 billion. Of this amount, almost \$77 billion went for war activities and interest on the public debt. Tax revenues in the same period reached about \$22 billion. For the current fiscal year (1944) he expected revenues to exceed \$40 billion and expenditures to exceed \$99 billion. Of the latter, \$94 billion will be war costs. This great increase—\$18 billion of revenue in the current fiscal year (1944)—over the preceding year reflects current payment of 1943 taxes as well as the record high level of income. Tax revenues of over \$42 billion are expected from the Revenue Act of 1943. Estimates for the succeeding fiscal year (1945) point to expenditures of almost \$100 billion (\$93 billion for war purposes) and tax revenues of over \$41 billion.

⁴ It is estimated that the tax of a married person with two dependents and having an income of \$2,500, will be \$19.60 greater in 1944 than in 1943, and the tax of a single person without dependents and earning \$2,500 will be about \$1.16 less. A married person earning \$10,000 will pay about \$80.87 more next year, and a single person with that income will pay about \$18.65 less. The maximum increase of tax for any individual will be \$84.00. (*New York Times*, Feb. 1, 1944.)

A survey of recent budgets shows that expenditures for 1943 were not quite as high as expected. Possibly less than the estimated amount will be spent for the current fiscal year also; but even if \$95 billion is spent, taxes will probably be more than two-fifths as much, a better proportion than was achieved in World War I, although national finances would be in better shape if we paid even a larger proportion of war costs as we go.

The Committee on Ways and Means and the Treasury experts are at work on a new bill to simplify the income tax law. The press reports that they expect (1) to merge the Victory tax, normal taxes, and surtaxes, so that the task of making out returns would be greatly simplified, and (2) to reduce the number of persons required to make returns from 50 million to 20 million by withholding currently the entire amount of tax due from 30 million persons—and to make these simplifications without changing substantially the amounts to be required from taxpayers. Chairman Doughton reports that his committee hopes to have a bill ready within a few weeks—even before this note is published—but not in time for returns and payments applicable to 1943 income.

WARTIME ACTIVITIES OF SPECIAL INTEREST TO POLITICAL SCIENTISTS

THE RECORDING OF WORLD WAR II

* * * ¹

The nation at war, in mobilizing its total resources, has called increasingly upon political scientists to contribute their efforts in the public service. In most instances, the political scientist serving the federal government has not come in directly under the banner of his own profession, even though his training may be highly pertinent to his immediate responsibilities. Those who are associated with the historical records program, however, have been especially able to relate their previous preparation to their present work in the federal agencies.

This expanding program reflects the growing appreciation of the need for a full understanding of the way in which the war is being conducted by both military and civilian agencies. Not only is there a widespread desire for more adequate records than we possess of previous wars, but there is also the conviction on the part of many officials that the immediate funding of our administrative experience is essential to successful formulation and execution of policy. While adequate records as an indispensable tool of good management serve current utility, at the same time they contribute to the longer-run task of creating a full and objective account of American participation in World War II. From the standpoint of future study of government and public administration, the work on war records which has been initiated in the federal government shows distinct promise. Here the basic data of political science are being collected, preserved, and analyzed. Cognizant of the situation, the American Political Science Association, at its last annual meeting, on January 20, 1944, adopted the following resolution:

"Resolved that the American Political Science Association urges the importance of the analysis and recording of the experience of the Federal Government in discharging its responsibilities during the present war, and commends the efforts currently made by the Bureau of the Budget and the war agencies to develop such accounts and related documents, to the end that in future national emergencies the United States may build upon the lessons currently being learned; and that copies of this resolution be transmitted to the President and heads of war agencies."

¹ This REVIEW has never before published a major contribution anonymously, and would not choose to do so now. During the war period, however, policies adopted in government circles in Washington will make it necessary to depart from established practice in a few instances. The present article comes first-hand from competent official authorities.—MAN. ED.

The interest of political scientists and public administrators in recording and utilizing our wartime experience has been long-standing. On May 31, 1940, the Bureau of the Budget initiated a project to secure information on the experiences of the nation in World War I, 1917-18. Harold Smith, director of the Bureau of the Budget, had found the records of World War I in an unsatisfactory condition as far as the needs of the Bureau were concerned. On August 4, 1941, Donald Stone, head of the Division of Administrative Management of the Bureau, wrote to Kenneth Colegrove and others, asking them to suggest the name of some one who might "do a capture and record job on defense organization." Subsequently, arrangements were made with Pendleton Herring, secretary of the Graduate School of Public Administration at Harvard University, to serve as a consultant to the Bureau of the Budget on a records project; and plans were approved for establishing a small staff unit to pull together and analyze source material within the Bureau and in various federal agencies on the administrative history of the country's emergency defense program. Among the matters to be studied were "negotiations leading up to the framing of executive orders, the organizing and staffing of agencies after their authorization, and subsequent problems of administration and coordination of programs, gearing the work of new war agencies into the war work of regular established agencies."

After the attack on Pearl Harbor, the undertaking in the Bureau of the Budget was expanded to cover war organization. Interest in both public and private quarters broadened and quickened. On March 4, 1942, the President wrote to the director of the Bureau of the Budget as follows:

"I am very much interested in the steps that you have been taking to keep a current record of war administration. I suggest that you carry this program further by covering the field more intensively, drawing on whatever scholarly talent may be necessary."

"I wonder if it wouldn't be desirable to appoint a committee on records of war administration, to be composed of representatives of appropriate learned societies and perhaps two or three agencies of the Government which might be interested in such a program."

"The present program strengthened in this manner might be helpful to the work of the Bureau of the Budget in planning current improvements in administration in addition to its main objective of preserving for those who come after us an accurate and objective account of our present experience. I hope that officials in war agencies will bear in mind the importance of systematic records, and to the extent commensurate with their heavy duties, cooperate in this undertaking."

The appointment of the Advisory Committee on the Records of War Administration was announced by Director Smith on March 22, 1942. The committee members are: Waldo G. Leland (American Council of Learned Societies), chairman; Pendleton Herring (Harvard University),

executive secretary; William Anderson (American Political Science Association); Louis Brownlow (American Society for Public Administration); Donald Young (Social Science Research Council); Solon J. Buck (National Archives); Archibald MacLeish (Library of Congress); Arthur Schlesinger and Guy Stanton Ford (American Historical Association). In his statement outlining the organization, Director Smith stated:

"On many occasions we have regretted the inadequacy of the data available concerning administration in World War I. As one consequence, the recollections of some of the chief figures twenty-five years after the event have been a conspicuous source of information. The extent to which the war records are being currently consulted amply demonstrates the pertinence of factual data of the last war for administrative problems today. National Archives has urged that more attention be given to our present records to avoid the document losses of World War I."

The Committee has two primary functions: (1) to stimulate the major war agencies to set up historical units so as to develop and preserve full and accurate records of their wartime experience; and (2) to advise the special research staff within the Bureau of the Budget on current analyses of administrative problems in major policy fields of the war effort. This small staff, which has assumed the main task of carrying out the Committee's objectives, is known as the Committee on War Records Section, and is attached to the Bureau's Division of Administrative Management.

Since its inception, a number of political scientists, among others, have served at one time or another on the staff of the Committee: Kenneth Hechler, Harold Gosnell, V. O. Key, Earl Latham, Avery Leiserson, Donald Morrison, S. McKee Rosen, and Paul Zeis. These men have worked closely with other members of the Bureau of the Budget. They have had full access to all Bureau records and have established contacts with officials of operating agencies. They have directed their attention to particular policy areas, such as industrial mobilization, foreign economic operations, information, civilian defense and welfare, labor and manpower, price control and stabilization, finance and taxation, shipping and transportation. In 1942, the most pressing task was to gather records and to establish direct contacts with officials in the operating agencies—a task which required full-time effort. While this records work is, of course, continuous, the members of the staff have recently been able to devote more time to writing. The documents available are especially useful for administrative studies; staff members have prepared particular studies of the framing and interpretation of executive orders, the relationship between research and operations, inter-agency relations, and federal-field integration. Of late, increasing emphasis has been placed on the preparation of "pulling together" topics such as the above.

This work, while distinct from the operating duties of the Division of

Administrative Management, is a phase of the Division's general concern with improvement of government management. The day-to-day memoranda prepared by Division officials represent in the aggregate a rich accumulation of administrative studies.

Mr. Fred W. Shipman, director of the Franklin D. Roosevelt Library at Hyde Park, New York, has worked closely with the Committee, devoting much of his time to analyzing administrative procedures of the White House in addition to his responsibility for White House files.

As secretary of the Committee, Mr. Herring, together with the staff, has devoted much time to aiding various war agencies in establishing historical units. Some twenty-one war agencies² and ten older agencies³ have now created such units. Emphasis has been placed upon having the emergency agencies set up records units, since there is great danger that when the war is over their records will not be sufficiently well organized or in usable form.

No uniform practice has been followed in the location of the historical unit within an agency. The historical unit has been located close to the top policy-makers in the Navy, Petroleum Administration for War, Post Office, Office of Price Administration, Office of Strategic Services, War Department, and War Production Board. In the case of the Department of Agriculture and the State Department, the unit has been placed in the regular research units of the respective departments. In the Veterans Administration, the historical and records work has been put under the officer in charge of administrative management. In the Tennessee Valley Authority, the budget officer has taken charge of the function. A fifth type of set-up is found in the Office of the Coordinator of Inter-American Affairs, the National Housing Agency, and the Smaller War Plants Corporation, where the historical unit has been made part of the information office.

A number of political scientists have accepted appointments in the historical units located in Washington. Among them are Gladys Baker

² Alien Property Custodian; Office of Censorship; Office of Civilian Defense; Committee on Congested Production Areas; Office of Foreign Economic Administration; Coordinator of Inter-American Affairs, Joint Chiefs of Staff; National Housing Agency; National Research Council; Petroleum Administration for War; Office of Price Administration; Office of Scientific Research and Development; Smaller War Plants Corporation; Office of Strategic Services; Offices of War Information; War Labor Board; War Manpower Commission; Office of War Mobilization; War Production Board; War Relocation Authority; United Nations Relief and Rehabilitation Administration.

³ Civil Aeronautics Administration; Department of Agriculture; Labor Department; Navy Department; Post Office Department; State Department; War Department; Tennessee Valley Authority; Veterans Administration; Federal Works Agency.

of the Department of Agriculture, Elwyn A. Mauck of the Office of Civilian Defense, William L. Tayler of the Office of Foreign Economic Administration, Lt. Bernard Brodie of the Navy Department, Graham H. Stuart of the State Department, Lt. Col. John D. Millett of the War Department, and James W. Fesler of the War Production Board. Among others who have acted in an advisory capacity may be mentioned John M. Gaus, for the Department of Agriculture, William E. Mosher, for the Foreign Economic Administration, and Arthur W. Macmahon, for the Department of State.

It is evident that the basic materials for any adequate study of war administrative history must come from the various government agencies themselves. Each agency has its peculiar characteristics, which rise out of its mandate and the personalities charged with carrying out that mandate. It is not to be expected that the agency histories will follow any set pattern. However, the staff of the Committee on Records of War Administration has been endeavoring to have the agencies cover certain essential administrative considerations. It is hoped that the following topics will be treated: over-all objectives, integration of functions, the framing of the basic mandate (executive order), such staff functions as budget, personnel, planning, and coordination, field organization within the United States and abroad, principal procedural problems, external relations involving other administrative agencies, the President, Congress, the American public, foreign countries, and other problems of administration which may be peculiar to the agency.

A brief consideration of the historical and records work in a few selected agencies—the Army Service Forces, the Department of Agriculture, and the War Production Board—will illustrate the methods followed and their relevance to political science.

In the Army Service Forces of the War Department, the objective of the so-called historical activity is to develop a full and complete report of the work of the agency during the war. Among the functions related to political science are purchasing procedures, administrative relationships with such other war agencies as the War Production Board, the Office of Scientific Research and Development, the War Manpower Commission, the Office of Price Administration, the Petroleum Administration for War, and the War Food Administration, the management of ground force posts and stations, the management of War Department finances, the provision of morale services, and various training programs. The necessary scope of Army Service Forces reporting raises its own peculiar problems. The administrative organization of the agency introduces further complications. In general, the practice has been followed of encouraging major operating units, such as the Ordnance Department, the Quartermaster Corps, the Medical Department, the Signal Corps,

the Corps of Engineers, the Chemical Warfare Service, and the Transportation Corps, to develop their own historical staffs. Over all this activity is a small staff directing the effort as a whole. A full report of the work of the Army Service Forces available soon after the war, according to the chief historical officer, Lt. Col. John D. Millett, should provide another reason for reëxamination of the contents of both political science and public administration. In his opinion, a major question which cannot long be evaded is how far political scientists should try to go in generalizing about administrative techniques and practices outside the substantive field in which they are actually used.

The war records project of the Department of Agriculture is organized under the leadership of O. C. Stine, head of the Division of Statistical and Historical Research of the Bureau of Agricultural Economics. The staff of the History Section has been expanded to include personnel with primary training in public administration.

To serve as a guide for the selection of policy documents, as well as a basis for their organization in a form which will make them readily available for narrative and analytical reports, a comprehensive outline reflecting changes in the Department's functions and structure was prepared. The outline serves as a basis for the organization of the central historical file and for narrative accounts which describe and evaluate administrative problems and developments within the Department in its adjustment to the war crises. These accounts are organized both by bureau developments within the Department and by subject-matter cutting across bureau and departmental lines. A current account and analysis of factors relevant to the Department's numerous reorganizations to keep pace with its greatly enlarged responsibilities is a continuous project.

The Agricultural Adjustment Administration, the Farm Security Administration, and the Consumers' Counsel have been selected for special reports because they seemed symbolic of the Department's changing experience during the war period. The problems of setting and achieving production goals, of achieving adequate nutrition, of securing farm labor, of securing sufficient wartime fiber, of the Department of Agriculture's relation to rubber production, and its rôle in inter-American relations have been subjects for other special reports. Studies of other major phases of the Department's work in the field of distribution as well as production, and of the development and effectiveness of public relations of the Department during the war period, will be made to form a background for the Department's war history. These will eventually be interwoven into a first narrative account of the Department's adjustment to the impact of war.

It is hoped that the careful selection and organization of policy docu-

ments, supplemented by interviews with key officials both within and outside the Department who can help interpret the influences bearing on the Department's wartime rôle as a part of the national executive as well as the narrative reports, will provide the basis for more comprehensive studies of the Department's significant administrative experience. Political scientists will find of interest the administrative problems encountered in adjusting a large and old-line agency to the demands of total war.

The historical program of the War Production Board has particular significance for political scientists interested in the relations between government and industry; civilian control and the military; representation of management, labor, and consumers; inter-agency coordination; administrative organization and management; and the relation of United States agencies to international boards and committees. Responsibility for this records program has been vested in the Policy Analysis and Records Branch of the Office of the Executive Secretary, a neutral location free from the special viewpoints of individual functional units of the Board.

The guideposts for this historical work can be identified quickly: (1) histories prepared by the Branch embrace not only the War Production Board, but its predecessor agencies as well—the War Resources Board, the Advisory Commission to the Council of National Defense, the Office of Production Management, and the Supply Priorities and Allocations Board; (2) although the Branch plans to cover all major topics essential to a history of the Board, it gives priority to preparation of histories that will provide necessary background to top WPB officials currently faced with the necessity of making major decisions; (3) the Branch assumes that social, economic, and administrative problems are intermixed, and, more particularly, that generalizations about important administrative issues must be preceded by detailed case studies of commodity, industry, and other policy areas; (4) the Branch takes advantage of the fact that officials responsible for important decisions and policy determinations are still in Washington, and obtains their cooperation and critical comments in connection with the historical research.

The work of the Branch's Historical Records Section has two phases of possible interest to political scientists. First, the Section has physical custody of the official minutes and documents of the major boards and committees, and of all "inactive records" of the War Production Board and its predecessor agencies. As a result, the WPB historical program is largely free from the problem of access to records which so plagues the historical group in the National Recovery Administration.⁴ Second, the

⁴ Leon C. Marshall, "The Location and Utilization of Authority in a Regulatory Agency," at pp. 236 ff. of George A. Graham and Henry Reining, Jr. (eds.), *Regulatory Administration* (1943).

Section has established a consolidated subject-matter file that includes all records of policy significance—a step that should vastly facilitate the work of political scientists using War Production Board records after the war. Scholars will generally not have to wade through thousands of individual record collections, each containing a large amount of material of practically no historical significance and each arranged according to the inspiration of the particular official's file clerk.⁵

Certain conclusions from the experience of those participating in the historical program of the War Production Board, according to James W. Feeler, who is in charge of the work, have significance for research of political scientists in the field of war records generally. In the first place, social scientists might well direct their own efforts and those of their graduate students increasingly to the historical case-study type of research based upon official records of governmental agencies. The precedents set by Macmahon, Gaus, Dimock, Millett, Connery, Pritchett, Bard, and others could be followed by a larger number of their colleagues. Such studies are necessary preliminaries to scientific synthesis and generalization. In the second place, a scholarly study of a great federal agency, such as the War Production Board, needs to be soundly bottomed on detailed analyses of all, or at least sample, areas of the agency's activities. For instance, a history of the War Production Board that rested only on minutes of the Board meetings and the chairman's correspondence would be less reliable than a history that, while covering top-side developments, was written with an awareness of the evolution of the cattle-hides problem, the production of stoves, the activities of the steel division, and other developments at secondary and tertiary levels of the hierarchy. Third, the study of government agencies concerned with the industrial economy reemphasizes the need for integration of the social sciences. The scholar seeking to present more than a single-dimensional picture of such agencies should be simultaneously a political scientist, an economist, and a psychologist. Fourth, since many political science studies will rely upon government files for their data, vigorous efforts by the National Archives, Bureau of the Budget, and other central agencies are required to assure that these files are arranged and indexed in a way that, consistently with other uses of government records, will facilitate scholarly research. Fifth, arrangements are necessary to assure that historical studies of the experience of individual government agencies and programs are made available to social scientists—by subsidized publication, or by distribution of a few copies in mimeographed, multilithed, or microfilmed form to libraries of educational and research institutions.

⁵ Records not of prime significance for tracing of policies are preserved, of course, unless Congress or the Archivist of the United States authorized their destruction on the grounds that they have no historical or legal value.

The preceding cases are illustrative of the work going on and its potentiality for the future. The Committee on Records of War Administration and the staff endeavor to keep in close touch with the progress of the historical work being done in all the various agencies and departments. The Committee meets every three months, or more frequently when special questions of policy arise. While the members of the Committee are occupied with many other matters, they have devoted much time and thought to the important policy problems. Their Memorandum of August, 1943, entitled "Objectives for Planning the History of World War II" calls attention to the broader aspects of the problem, only part of which comes within the Committee's purview. A summary of the suggested principles is as follows:

1. All of the major federal agencies should gather data relating to their development and their most significant activities during this war period in order to create a central historical file. Upon the basis of this file, the historical officer should prepare a first narrative comprising the life story of the agency. . . .
2. There should be several non-official and popular accounts of World War II written from different standpoints, showing the military operation of the war, the civilian administration of the war, and the diplomatic phases of the war.
3. There should be a series of scholarly monographs analyzing the effect of the war on important phases of our social and economic life.
4. Studies should be made on a selected list of topics that are the concern of no one government or private organization.
5. State historical groups should prepare accounts of state activities in World War II.
6. Leading American industrial firms should have histories written recounting their war work.

In September, 1943, the Social Science Research Council took an important step toward implementing these objectives by appointing a Committee on War Studies which is now composed of Roy F. Nichols and Donald Young (University of Pennsylvania); John A. Krout (Columbia University); Pendleton Herring (Harvard University); Paul Homan (Cornell University); and James Phinney Baxter, III (Williams College). The Council appointed Shepard B. Clough, of Columbia University, to its staff as a full-time member with the mandate to plan a research program in the field of wartime experience. He is endeavoring to stimulate historical activities in the states, in the universities, and in private organizations.

The Committee on War Studies has undertaken as its initial task the preparation of topical surveys of the impact of World War II upon the

following areas: (1) economic, (2) social, (3) political, (4) administrative, (5) foreign relations, (6) military, (7) naval, (8) intellectual, and (9) scientific and technological. The purpose of these outlines is in part to provoke discussion which will lead to an adequate coverage of the problems involved. These initial drafts are, in general, of a descriptive character because of a belief that they should provide a wide view of the field. They will be supplemented in the course of time by attempts to indicate major wartime problems and the lines along which these problems may be critically analyzed. The present documents are regarded as entirely flexible, and suggestions for their revision are not only welcomed but encouraged.

A second purpose of the topical surveys is the guidance of scholars. It is hoped that they will aid investigators in formulating their research plans, and that these plans will take the form both of monographic studies of various segments of an area and of more general treatments of larger fields. It is believed that the phenomenon of war provides an excellent opportunity not only for studies by each branch of the social sciences, but also for investigations involving the combined efforts of many disciplines. For example, inflation could profitably be treated from the point of view of its fiscal and financial aspects, of price-fixing and rationing, of its political implications, and of its social effects. Community studies would involve all of the social sciences, and could well be undertaken by the social science staffs of colleges or universities, while a subject like labor migration would bring into play psychological problems as well as economic, social, and political factors. Consequently, some overlapping is bound to appear in the outlines, although in practice it may be avoided by employing a cross-referencing technique and by consultation among scholars working on war subjects. In any case, it seems clear that war makes of society a laboratory in which a great number of related experiments are going on simultaneously. Social scientists are the technicians to evaluate the process and the results.

The Committee on War Studies, through Mr. Clough's activities, is concerned primarily with research plans outside the government by private individuals, whereas the Committee on Records of War Administration has been concentrating upon historical efforts within the government itself. In charge of the staff of the latter is S. McKee Rosen, Acting Chief, Committee on War Records Section, Bureau of the Budget.

Further recent developments auger well for work in the war records field. In response to a report on progress being made in the federal agencies, the President, on January 25, 1944, wrote to the director of the Bureau of the Budget as follows:

"I'm glad to have your memorandum telling of the progress being made in recording the administrative story of this war. We need both for

current use and for future reference a full and objective account of the way the Federal Government is carrying out its wartime duties. The Committee on Records of War Administration is doing a useful job and I am much pleased to know that thirty of our Federal agencies are actively coöperating in their program.

"I am personally very much interested in this study of administration and I hope that each department and agency head will see to it that the story of his agency in wartime is systematically developed. The best way to advance our knowledge of administration is through the study of actual experience. Those agencies which have not yet established units to deal with the recording of their administrative experience should do so.

"It is a well established practice for officials to make a public accounting of their stewardship. Soon after the war each agency should have ready a good final report that will sum up both what was accomplished and how the job was done. If organizational changes make this impossible, the Bureau of the Budget should see that the report is completed. We should also remember that full records must be preserved for deposit with the National Archives.

"There is much to be gained from our wartime experience for improving administration in the future. I feel sure that a careful recording of this experience not only will help to win the war but also will serve the needs of the postwar era."

The latest phase of emerging development dates from October 28, 1943. At that time, the Committee on Records of War Administration and the Committee on War Studies agreed to form an Advisory Council on War History, which would provide over-all guidance and facilitate the bringing together of governmental and private scholars working on wartime records. While each of the component committees retains its original autonomy and continues its original assignment, the Advisory Council provides a vehicle for the consideration of questions of mutual interest and for the formulation of general policies.

The newly constituted Advisory Council on War History held its first meeting on November 18, with Guy Stanton Ford as chairman. A committee was appointed to make known to the President the formation and purpose of the Advisory Council and to seek his support in its behalf. On February 17, 1944, the Chief Executive wrote to Dr. Ford stating:

"I have learned with much interest of the organization of the Advisory Council on War History, which represents an effective association of the government's Committee on Records of War Administration, set up in the Bureau of the Budget at my request, and the non-governmental Committee on War Studies of the Social Science Research Council.

"I believe that this coöperation of governmental and private agencies offers great promise for the writing of interpretive histories of the national war effort, in all its many aspects. Histories so produced will be authoritative, because they will be based on governmental records, and they will, at the same time, be independently critical and objective. Certainly it is of great importance that the American people of the war generations should have intelligible, reliable, and comprehensive ac-

counts of their experience without the long delays and incompleteness that have been characteristic of historical writings with respect to earlier wars.

"I shall be glad to further the undertaking of the Advisory Council on War History. Accordingly, I have directed the Committee on Records of War Administration to see to it that the various agencies of the Federal Government cooperate, as fully as may be compatible with security, with the historians and social scientists sponsored by the Advisory Council."

Thus work on the task of achieving a full and adequate account of the participation of the United States in World War II has begun both within and without the government. The progress which has been made to date shows distinct promise for the future. But the scope of the undertaking is vast and its complexities numerous. In many respects, and on the non-governmental side especially, only a pre-planning stage has been reached. Much effort will be required before programs can be arranged, integrated, and brought to fruition. The present opportunity constitutes a challenge whose importance is difficult to overestimate. Challenge, however, is not fulfillment.

THE ARMY'S CIVIL AFFAIRS TRAINING PROGRAM

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A wartime training program of interest to political scientists and of possible significance for postwar educational policy is the Army's Civil Affairs Training Program. This training program prepares officers for military government service in occupied territory, and is an extension of the training instituted at Charlottesville, Virginia, in the spring of 1942. The School of Military Government is an Army post located on the campus of the University of Virginia. It was originally expected to train a limited number of officers for positions in civil affairs headquarters staff, but the capacity of the School was later expanded and its graduates actually serve in either staff or field positions.

It soon became apparent that the demand for officers trained for civil affairs work would run far beyond the capacity of the School of Military Government. As a consequence, it was decided to utilize a number of universities in the training, and the Civil Affairs Training Program (CATP) was established. Like the School of Military Government, already in existence, this program was placed under the control of the Provost Marshal General.

The objectives of the CATP were: (a) to provide instruction in military government policies and practice; (b) to provide instruction in certain foreign languages; (c) to supply useful knowledge and points of view about

certain foreign peoples and the characteristics of and conditions prevailing in certain foreign countries; and (d) to relate the officer's technical or professional knowledge and experience to the situations he might expect to encounter in military government operations in certain foreign countries. It was decided, at the earliest stages of planning the Program, that the first of these objectives should be accomplished at the Provost Marshal General's School at Fort Custer, Michigan, and that the other three objectives should be accomplished in civilian universities.

The length of the training period was first fixed as four weeks at Fort Custer and twelve weeks at the university, regardless of the area in which the officer was expected to serve. Later, the period of study at the university was changed—substantially increased in the case of training for the Far East, reduced to two months in the case of training for Europe. Officers entered training at Fort Custer in June, 1943, went from there to two universities in July, and by November ten universities were in operation. They were: Boston University, Harvard University, Northwestern University, Stanford University, University of Chicago, University of Michigan, University of Pittsburgh, University of Wisconsin, Western Reserve University, and Yale University.

Training for the Far East developed into a pattern very different from that for officers expected to be sent to Europe. From this point on, this discussion deals exclusively with the training of officers for Europe.

The training objectives of the CATP differed from those of the School of Military Government in the following particulars: (a) it was assumed that the officers trained in the CATP would function in field operations, usually unassisted by other officers, whereas it was assumed that officers trained in the School of Military Government would function primarily in staff relationships; (b) language instruction was to be a most important feature of instruction in the CATP, whereas no language instruction was provided in the first classes at the School of Military Government, and when established in later classes, was allotted very little time; and (c) study of foreign peoples and foreign areas was to be a most important feature of instruction in the CATP, whereas it had been definitely subordinated to other instruction at the School of Military Government.

Training in the universities differed from that in the School of Military Government because of these differences in objective, and also because the instruction in military government policies and practices (so important a part of the course at Charlottesville) was to be supplied at Fort Custer. Nevertheless, training at the universities borrowed heavily from experience at Charlottesville, particularly in two respects: (a) in fixing the objectives and content of area lectures; and (b) in the organization of civil affairs teams and the use of military government problems as a teaching device.

At the outset, the universities were given very wide discretion in fixing the method and content of instruction. After the first classes had been completed, the War Department arrived at a clearer definition of the instruction it wished the officers to get, and experience pointed to certain experiments as more successful than others. Consequently, a standard curriculum was established and training of officers to be assigned to Europe henceforth adhered to the following pattern:

a. Language instruction—120 to 136 contact hours during the two months, at least 80 hours to be in conversational drill sessions with not more than 8 officers present.

b. Area lectures (i.e., lectures on designated foreign countries, peoples, and institutions)—48 to 62 contact hours, at least 36 to be devoted to Germany (including Austria) and distributed as follows: at least 6 hours on political attitudes and political system; at least 10 on government, with major emphasis on local government organization and services; at least 4 on law, law enforcement, and the judicial system; at least 10 on the economic system, including industrial, financial, and commercial organization; at least 3 on public health and welfare; and at least 3 on education, propaganda, press, and radio.

c. Area conferences—32 to 48 contact hours.

d. European backgrounds of military government—not more than 10 contact hours.

e. Military government—4 to 12 contact hours in review of principles and 8 to 16 contact hours in solution of military government problems.

This was the novel course of instruction which a number of American universities were called upon to give to an unusual body of students. The composition of the classes assigned for training varied widely; there was no typical class. Numbers varied, ranging roughly from 55 to 95. Usually every grade from Second Lieutenant to Lieutenant Colonel was represented. Ages ranged roughly from twenty-five to fifty-five, with a preponderant proportion between thirty-five and fifty. Except for the younger officers who had not had opportunity to do so, virtually all officers had achieved substantial success in some professional, executive, or administrative career. Probably eighty per cent had attended college or professional school; probably seventy per cent had some sort of college or professional school degree.

It is obvious that an educational undertaking such as the one just described calls for substantial departures from the customary teaching habits of a university. Such value as this experience may have for the normal educational program of the college or university probably lies in the following aspects or features of the CATP.

1. *Integration of Instruction.* From the beginning, the War Department insisted that instruction in the CATP should be under the control of a

Director, who would undertake to correlate all parts of the instruction and to shape the area instruction into a single integrated course. A Civil Affairs Training School (CATS) was accordingly established in each participating university and a Director designated by the university authorities.

The several Directors enjoyed different degrees of success in their efforts to knit the instruction into a compact course of study. At some of the CATS, the Director was able to set a group of faculty to planning instruction and developing materials for a period of several weeks prior to the arrival of officers for training. Where this was done, desired emphases could be attained, there was little overlapping of lectures, and omissions due to oversight were avoided. In every CATS, faculty members were assigned lectures which they might not voluntarily have delivered, and proposed lectures were revised at the insistence of the Director or a committee. There is every reason to believe that these deviations from customary academic freedom were justified in a two-months training program designed to fulfill Army needs; it is possible that some phases of the regular educational program will profit from similar discipline of the faculty.

2. *Language Instruction.* The objective in language instruction was to provide maximum proficiency in speaking and understanding the spoken colloquial language. The degree of proficiency which the officers were able to acquire in nearly every CATS was a revelation to everyone associated in the training. Language instruction excited highest praise from the officers in those universities that adhered most closely to instructional methods sponsored by the Intensive Language Program of the American Council of Learned Societies. A good many of the language instructors in the CATS are of the opinion that methods used in teaching the spoken language are of equal or near-equal value for teaching the written language, and that the experience in the CATS (and the Army Specialized Training Program as well) will have an important effect on language teaching in future undergraduate education.

3. *Organization of Knowledge on Basis of an Area.* The prime objective of CATP was to prepare officers to function in a designated foreign area, and this required that the officers be informed widely and accurately about the area—the terrain, the physical resources, the temperament and traits of the people, institutions and ways of doing things, and everything else (subject to limitations fixed by time) which a civil affairs officer might want to know. A substantial number of faculty members were thus afforded opportunity to take stock of the things important to a nation and national living. It was an especially good opportunity because the students were critical, opinionated, and, while generally provincial, were widely experienced in the life of their own area. Undoubtedly, this task

of instruction forced many faculty members to reconsider what it is important for people to know. It may affect their teaching when they revert to instruction organized about the customary disciplines—economics, government, sociology; it is certainly good preparatory experience for those individuals who continue, as some will, to teach area courses.

4. *Methods of Conveying Knowledge.* It was demonstrated in at least one university, possibly in two, that the officers will tolerate a program made up almost exclusively of lectures if, uniformly, they deal with important material and are effectively presented. Most of the universities did not risk the boredom and unrest which they feared would result from a full schedule of lectures. A number of interesting innovations were tried, the following perhaps being the most instructive for future educational policy:

a. *Use of Military Government Problems.* This teaching device is discussed below.

b. *Panel Discussions.* At least half of the CATS scheduled an occasional panel discussion at which three to a half-dozen persons with knowledge or notions about the subject discussed some aspect or feature of the area. Usually the student-officers were onlookers; in some instances, selected officers participated in the discussion as members of the panel.

c. *Area Conferences.* The War Department insisted that the officers be given authentic knowledge about the foreign area. Few native American faculty members could supply such knowledge. Recent arrivals from Europe proved unsatisfactory as lecturers; the officers rebelled against inadequate vocabulary and indistinct enunciation and complained about the "ponderous circumlocutions" of European scholarship. Most CATS found a satisfactory solution in assignment of lectures to native Americans or Europeans with extended residence in the United States, and arrangement of conferences with the foreigner having extended and recent area experience. Just as lecturers differed in effectiveness on the platform, so "consultants" differed in effectiveness in the conference room. Where the Director had opportunity to make a selective choice and found time to coach the consultants which he used, the conferences proved generally to be most important, and the War Department eventually made them a requirement of the curriculum.

d. *Use of Informants.* In few, if any, universities could the resident faculty, even if supported by two or three full-time "consultants" brought in for the program, supply the entire body of knowledge about a foreign area which is called for in the CATP. All CATS were located in or near to metropolitan centers on the theory that many individuals having special experience in the foreign area would have to be called in to supply particular bodies of information. In some instances, these individuals could organize and deliver a satisfactory lecture; in several in-

stances, they could take effective lead of a conference group; in at least a few cases, due to language handicap and inexperience in extended oral presentation, the individual with important knowledge could neither deliver a satisfactory lecture nor effectively direct discussion. In order to pump knowledge from a man of the latter type, some universities put him on the witness stand and a member of the faculty proceeded to negotiate the transfer of his knowledge to the student-officers. Pressure of time and inadequacy of staff kept most of the CATS from attempting this procedure at all, and limited the remainder to infrequent efforts.

e. *Nationality Contacts*. Several of the CATS arranged for student-officers to have contacts with representatives of the nationalities which they would later encounter in the foreign area. In most cases, these amounted to little more than a visit to an Italian restaurant or an evening in the home of a German family. One CATS attempted a much more ambitious program of nationality contacts, but the shift of its program to a different area cut these activities short. Generally, it may be said that the heavy duties of the faculty, pressure for the time of the officers, and the failure of the officers to warm up to nationality contacts kept this part of the program from getting a fair trial.

f. *Utilization of the Students' Knowledge*. Perhaps the most disappointing feature of the CATP, as an experiment in education, was the failure of the Director and faculty to utilize the knowledge and experience of the officers in training. Once in a while an officer, particularly if he had been a college professor, was called upon to deliver a lecture. But every class contained some individuals who had enjoyed extensive experience in the foreign area. Frequently, one or more of the officers had better knowledge than any person on the faculty of a subject of importance to the civil affairs officer. Pressure of duties and lack of experience in that kind of instruction kept the Director and faculty from organizing conference procedures by which the officers themselves could supply a part of the instruction.

If these experiments in teaching methods have any significance for peace-time education, it is doubtless in pointing the way to substitutes for the printed page as sources of information. Undergraduate and graduate education in the social sciences has been dominated by the supposition that knowledge is best passed on through print. The principal task assigned to the student is that of reading, not those of observing or participating in the social process. If he listens to a lecture, it is likely to be delivered by a man who got most of his knowledge through reading rather than through intimate personal associations.

University teachers in the CATP found that the printed sources (the current mimeographed sources as well) were inadequate to supply the information which the officers required. The faculty turned, therefore, to

the experienced individual who, without pretense of scholarship or skill as a teacher, could tell what he knew.

An insecure and worried public, eager for the information which will help it to solve its problems in the postwar years, may again force the college teacher to run ahead of his scholarship. If so, the experience in the CATP may prove most useful, affording the political scientist, for instance, guidance in selecting and coaching the particular politicians or other wielders of power who can best pass on to the students information which the faculty man himself does not have.

5. *Exchange of Faculty and Sharing of Materials.* Discussions during the organization period assumed that institutions participating in the CATP would freely loan faculty members to one another. Actually, there was considerably less of this than was anticipated. The reduction of the training period at the university from twelve weeks to two months so shortened the time when one institution could spare a man and another could use him that it was most difficult to schedule exchanges. Employment of a few individuals to ride circuit among all institutions was considered, but the pressure of duties on the Directors of the CATS kept them from cooperating in any such arrangement. In spite of these difficulties, a number of faculty loans were effected and the instruction at a number of the CATS was enriched considerably beyond what it would have been if only the local faculty had been available.

Library resources of the participating universities were greatly augmented by materials supplied by the War Department. Of particular value were the maps supplied by the Army Map Service and the Office of Strategic Services, current reports and memoranda of various federal departments and agencies which were obtained for the CATS by the Office of the Provost Marshal General, and the Civil Affairs Handbooks prepared under the direction of the Provost Marshal General. The latter were of special value, since their sole purpose was to give the military officer the knowledge about a foreign country which he needs for civil affairs work in that country.

The universities also produced and made available to one another a great deal of mimeographed material. Several maintained a full-time research assistant, usually a native of the foreign country, who dug out and organized needed information. Nearly all CATS sooner or later adopted a practice of mimeographing digests of most of the lectures which were delivered. These digests not only saved the student officers from the shortcomings of their desultory and inadequate note-taking; they were distributed to the other CATS and in many cases proved to be valuable instructional materials in a number of institutions.

Ordinarily each college and university relies altogether on its own faculty to supply its instruction. Individuals may be brought in occa-

sionally from other institutions to lecture to all or a part of the student body, or may be imported full or part time to give one or more courses. It is unusual, however, for a college or university, as a matter of policy, to rely on neighboring institutions to supply important parts of its instruction. Conceivably something might be gained by more frequent resort to this practice. Certainly few, if any, institutions can treat all subjects in the curriculum with authority; American scholarship is not that rich. The experience in the CATP at least demonstrates the feasibility of active coöperation among institutions, both in loaning men and exchanging materials.

6. *Organization of Civil Affairs Teams and Assignment of Military Government Problems.* The War Department originally planned that all military government instruction in the CATP should be supplied at Fort Custer, and that the CATS would confine themselves strictly to language and area instruction. Experience in the first classes revealed that a great many of the officers were unable to see the relevance of area instruction to their future civil affairs work. They praised the Fort Custer instruction as obviously relevant to the military government job, but characterized area instruction (no matter how interesting) as unworthy of an officer's time during a war. In order to demonstrate the relevance of the area instruction, it was found necessary to organize officers into civil affairs teams for the solution of assigned military government problems.

This feature of the instruction was borrowed from experience in the School of Military Government. Civil affairs teams consisted ordinarily of from ten to fifteen officers representing different grades and different backgrounds of training and experience. The military government problem described a situation which the officers might expect to encounter in the field and required for its solution preparation of a plan of action, organization, and procedures which the team would recommend for adoption.

In order to make sure that military relationships would be appreciated in the solution of problems, the War Department made available for each CATS an officer trained at the School of Military Government, either a member of the faculty who was commissioned and trained for that purpose or an officer who was already in the service.

The military government problem was even more successful than expected. It not only convinced the officers that instruction in the CATS was useful; it was a helpful guide to the faculty in providing area instruction. The most persistent complaints against area instruction were that many of the lectures were too historical, academic, or irrelevant, and that the recent arrival from Europe, when utilized for lectures or conferences, was inclined to preach about solutions for the political problems of his country instead of supplying the kind of information which the officers

needed. A military government problem which could be properly solved only if the officers acquired a substantial knowledge of the area gave the faculty a clear indication of the kind of information which the officers needed, and gave the officers a starting point for pumping the faculty of information. In order to make sure that the military government problem would serve these purposes, the War Department made the following suggestion:

"A good military government problem will have three prime characteristics: (a) it will simulate a situation which is likely to occur in the field; (b) it will require for solution a substantial knowledge of the nature of military government operations; and (c) it will require for solution a thorough understanding of conditions which will be encountered in the occupied area. . . .

"If the faculty is properly coördinated, the instruction will give the officer the knowledge he needs for solution of the problem. If the problem is properly made, it will call for the kind of knowledge which the officers will later need in the field. A problem which will serve as the nuclear element in a comprehensive training program cannot be made by one man; it must be the product of a group who combine knowledge of military government with knowledge of the area. It is a job for a committee which includes the Military Government Instructor and representatives of the faculty who have knowledge of conditions prevailing in the area.

"This coöperative arrangement must not terminate when the problem has been formulated. The civilian faculty can make available the necessary knowledge of the area only if they understand what situations are encountered in the field and how the Civil Affairs Officer deals with them. The Military Government Instructor must continuously educate the civilian faculty on these points. And he in turn can successfully supervise the work of Civil Affairs teams only if he continuously learns from the civilian faculty about the nature of the country for which the officers are being prepared."

Where military government instructor and area faculty undertook serious and resourceful coöperation, the military government problem gave purpose, point, and vitality to the entire program and the attitude of the officers toward the training (even those officers most skeptical about anything "academic") was one of unanimous enthusiasm.

The officers in training had a common operating problem ahead of them. It was thus easy to design a problem which would command the interest of all of them. It may not be possible to design practical problems which will have equal attraction for undergraduate, graduate, or professional students. If this experience with the military government problem has no further value for future college and university teaching, it will at least have given us some most useful pointers about successful short-course instruction for adults.

7. *General vs. Special Knowledge.* Like undergraduates, civil affairs officers are of different mind as to what it is good to know. The lecture on

the unification of Germany which delighted a number of officers was scorned by others as irrelevant and unimportant; a lecture on German forests and forest products was meat to one officer but poison to another, who considered it too technical and too narrow in its significance.

The compromise between the general and the special or technical differed, of course, according to the teaching personnel available in the different CATS. A brilliant lecturer could maintain the officers' interest in discussion of a subject which had to be cut out of the lecture schedule at another CATS. A man who had intimate knowledge of a particular German institution or problem and could tell what he knew made that subject popular in one CATS, whereas other CATS dismissed it as too technical or special to interest the group. Speaking generally, experience proved that subjects which were general in character were best handled by lectures, and subjects of more narrow concern were best handled in conferences.

The organization of conference groups also presented a number of problems. The civil affairs team was the ideal group for presentation of particular information required for the solution of assigned military government problems. The specialty group, consisting of officers of common technical or professional training and experience, was ideal for the discussion of certain technical questions. The testimony of officers in training makes it clear that a combination of these two types of conference groups proved most satisfactory.

Most of the officers had little inclination to search books or documents for information; an informed person sitting with the civil affairs team enabled the officers to get, or find out how to get, the closest approximation of the exact information they wanted for the planning of action. It is the way they will get most of their information in the field; it is desirable that they go through the process in the training period.

But the specialty group had its peculiar value too. The shortest route to the officer's attention and interest in training, at least in most cases, is by way of the things which dominate his attention and interest in his customary pursuits. The police chief in training for civil affairs work is not inclined to read very much about Nazi ideology, or even the national government of Germany. But if he is initiated in conferences with a person who knows German police organization and methods thoroughly and is nursed along with some reading on German law enforcement, he may develop sufficient interest to read about German local government generally, and he might even be led to tackle a book about the German people and their institutions which he would have scorned at the start of his training.

This, at least, was the theory back of the requirement of specialty groups; the shortness of the training period prevented conclusive evidence

as to whether the theory was sound. In any event, where the military government problem called for extensive knowledge about the foreign area, and where the consultant had accurate knowledge which he could effectively present to a specialty group, the student-officers were virtually unanimous in testimony that important knowledge was made available to the officers who could best relate it to American backgrounds for understanding, and that these officers subsequently passed on their understanding to others as the civil affairs team worked out a solution to the military government problem.

The objectives of training in the CATP differ greatly from those in ordinary college and university education. It may be that this experience in reconciling general and special instruction in a single teaching program has little to offer peace-time education. On the other hand, it may teach us much about the shortest route to a student's interest and the surest way of connecting with his existing knowledge.

Time will reveal whether these aspects of the Civil Affairs Training Program are the aspects of greatest significance for future educational policies; only time can reveal whether they will have any effect on future educational practice. The possibility that they will have influence beyond their wartime purpose suggests the wisdom of studying other Army and Navy training programs for experience pointing the way to more effective peace-time education.

* * *

The program described above has made extensive use of present and former teachers of political science, both for active civil affairs work in the field and in training of officers for future civil affairs duty. Active in the training of officers for military government in one or another of the training programs have been:

At the School of Military Government, Charlottesville, Virginia: Colonel Joseph P. Harris (California) was for a time in charge of instruction in public administration, a post now held by Major Charles M. Kneier (Illinois). Arnold Wolfers (Yale) is lecturer on Germany and the German people, and Arnold Zurcher (New York University) was formerly lecturer on Italy and the Italian people.

At the Provost Marshal General's School, Fort Custer, Michigan: Major Arthur W. Bromage (Michigan) served as instructor in public administration.

In the Office of the Provost Marshal General, Washington, D. C.: Charles S. Hyneman (Louisiana State) is Chief of the Training Branch, Military Government Division. Also in the Training Branch is Major R. W. Van Wagenen (Yale) and, as consultant, Harold W. Stoke (Wisconsin).

At Boston University: Major Rodney L. Mott (Colgate) served as the Provost Marshal General's military government instructor.

At Harvard University: Carl J. Friedrich served as Director of the CATS; Captain (inactive) Merle Fainsod served as Assistant Director and military government instructor.

At Northwestern University: Rollin B. Posey served as Director of the CATS.

At Stanford University: John Brown Mason (on leave from Fresno State College) was one of the principal instructors concerned with the government and political institutions of Germany.

At the University of Chicago: Lt. (j.g.) John T. Caldwell (Vanderbilt) is military government instructor on assignment by the Navy, and Leonard D. White and Henry Bloch are active in instruction. Dr. Bloch is author of a recent publication entitled "Economics of Military Occupation" (Foundation Press); he also has lectured in several of the other CATS and at the School of Military Government.

At the University of Michigan: James K. Pollock and Wolfgang Kraus served as principal instructors in the government and political institutions of Germany.

At the University of Pittsburgh: Elmer D. Graper delivered a number of the lectures on German government, and Hans Weigert has been added to the faculty to direct area studies.

At the University of Wisconsin: Harold W. Stoke served as Director of the CATS and William Ebenstein served as the principal instructor in the government and political institutions of Germany.

At Western Reserve University: Wilbur White served as Director of the CATS.

At Yale University: A. Whitney Griswold served as Director of the CATS, and Arnold Wolfers was the principal instructor in the government and political institutions of Germany.

In addition to the foregoing, the following political scientists are active in military government service in one capacity or another: Lt. Colonel T. V. Smith (Chicago); Lt. Colonel O. W. Wilson (California); Captain Erwin W. Bard (Brooklyn); Captain Emmet L. Bennett (Cincinnati); Captain James Q. Dealy (Hamilton); Captain Walden Moore (Rochester); and Captain Harold Zink (DePauw).

INTERNATIONAL AFFAIRS

THE INTERNATIONAL LAW OF THE FUTURE

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I

On February 28, 1942, a conference at Atlantic City was arranged by the Carnegie Endowment for International Peace to inaugurate discussions on the international law of the future. Since that time, a series of group conferences and smaller meetings have been held in various centers of the United States and Canada, at which nearly 200 men, chiefly Americans and Canadians, participated—judges, lawyers, professors, governmental officers, and men of special international experience. To assure continuity, a few persons—outstanding among them Judge Manley O. Hudson of the Harvard Law School and Professor P. E. Corbett of McGill University—were present at all the meetings, and a small committee prepared the different drafts.

The aim of these informal conferences, held over a period of nearly two years, was to arrive at a community of views; and this was achieved when a Statement, growing out of successive drafts, was subscribed to by some 150 of the persons who had participated in the discussions. This document,¹ hitherto strictly confidential, has now been released for publication. Its contents are not to be taken, either in whole or in part, to represent the individual views of any particular person who participated in the discussions.

The Statement consists of six Postulates, ten Principles, and twenty-three Proposals, each explained by comment in the light of the history of international law over a period of a hundred years. The Postulates set forth the essential premises, the basic conceptions, of an effective international legal order. The Principles—so to speak, the heart of the Statement—are offered as a draft of a declaration which might be officially promulgated by the statesmen who will build the future peace. The Proposals are indications, suggestions for implementing the Principles, but are not presented as draft provisions for inclusion in an international instrument.

It is the object of the present article to summarize and comment upon the Statement's principal features.

II

Although for centuries great wars have produced a longing for "eternal peace" and have seen proposals for international organization with a view

¹ *The International Law of the Future; Postulates, Principles, and Proposals*, published in the April, 1944, issues of the *American Journal of International Law* and *International Conciliation*.

to eliminating war,² it was only after the First World War that such proposals were translated into positive law. The creation of the League of Nations, no doubt, constitutes the greatest experiment mankind has, up to now, undertaken for the maintenance of peace through international organization.

During the present war, the cry for "winning the peace" is stronger than ever. But this phrase can have two meanings: making permanent for the victors the fruits of victory; or inaugurating a new era of more peaceful international relations for all nations of the earth on the basis of law and justice.

Endeavors to "win the peace" in the first sense are as old as history. The method has been for the victors to impose a peace treaty, termed "eternal," upon the vanquished, and to try to continue the victorious coalition after the war as an alliance of the victors, for the guarantee of the peace treaty and supervision of the defeated enemy and for preventing him from "ever rising again." History shows the failure of these attempts, embodied, e.g., in the peace treaties of 1648, 1814-15, and 1920. Even many of the utopian proposals for "eternal peace" made since 1300 are thinly veiled projects for hegemony in Europe of the author's own state.

The present enormous literature³ is not wanting in books inspired by a desire to "win the peace" in the first meaning of this phrase. To this group belong all the books which advocate "winning the peace" through "American empire," through a system of power politics, geopolitics, and the balance of power, through Anglo-American alliance or a federation of the English-speaking peoples, through world domination by the "Big Three," or through a "Permanent United Nations." True to the official pronouncements from the Atlantic Charter to the Moscow Declaration, the Statement, however, stands for "winning the peace" in the second meaning of this phrase.

III

Charging that studies and peace treaties of the First World War over-emphasized the legal and neglected the economic aspect of the problem of peace, and trying to learn from the mistakes then made, many have asked the question whether the legal or the economic aspect has a priority.

² Cf. Chr. L. Lange, *Histoire de l'internationalisme* (1919); J. Ter Meulen, *Der Gedanke der internationalen Organisation in seiner Entwicklung, 1300-1889* (3 vols., The Hague, 1917, 1929, 1941); S. J. Hemsleben, *Plans for World Peace Through Six Centuries* (Chicago, 1942).

³ For a bibliography, cf. H. Aufricht, *Bulletin of the Commission to Study the Organization of Peace*, Vol. II, Nos. 5 and 6 (28 pp.). For a survey of the different proposals, see A. C. Millsbaugh, *Peace Plans and American Choice; The Pros and Cons of World Order* (Washington, 1942), and the excellent book by P. E. Corbett, *Post-War Worlds* (New York, 1942).

The question is, of course, of great importance to international lawyers, who want to ascertain what their contribution can be.

But it seems to this writer that both the legal and the economic aspects are under the primacy of the political. First, the great political decisions must be made; and this is the task of neither the economist nor the lawyer as such, but of the statesmen, diplomatists, parliaments, and the peoples themselves. And these decisions will depend on political and psychological conditions: on the willingness of nations to give up certain prerogatives of sovereignty, on their readiness to obey the norms of international law and to see to it that they are respected, on the presence or absence of a spirit of vengeance.

The very pre-conditions of even a chance of success for a new international organization are peace settlements which, by their very nature, will make a durable peace possible. "It would be folly," former Ambassador Grew warned in a recent speech, "to try to make Japan a permanent outcast in the family of nations." "The defeated nations," says Justice Wiley B. Rutledge,⁴ of the Supreme Court of the United States, "cannot be kept in perpetual subjection. Germany and Japan are peopled with virile races. In time, as before, their strength will recuperate. When that happens, they too must be received into whatever union may be formed, and eventually accorded full and equal participation." And he continues:⁵ "Whatever peace treaty may be made must not be cast in the terms or spirit of revenge. For that only generates the spirit of rebellion which breaks loose when strength has been gathered again to resist. This is the first hard task—beyond the hatreds created by war, to draw from the deeper springs of justice and generosity, that new hatreds be not created and thus the vicious circle rounded again."

The Statement does not attempt to approach the political problems. Nor does it deal with international measures which the "transitional period" will make necessary.⁶ The Statement is formulated to aid "in revitalizing and strengthening international law" and "in laying the basis of a just and enduring world peace securing order and law to all nations." And this is the task of international lawyers. For when the political decisions are made, then, undoubtedly, the legal aspect has a priority over the economic aspect: international economic relations presuppose an effective international legal order.

IV

The Statement resists the temptation to give a blue print, complete in every detail. The Proposals are only suggestions as to possible and desir-

⁴ "Some Premises of Peace," *American Bar Association Journal* (Nov., 1943), pp. 623-628, at p. 625.

⁵ *Ibid.*, at p. 626.

⁶ On these problems, see Commission to Study the Organization of Peace, Second Report, "The Transitional Period" (New York, Feb., 1942, pp. 23).

able approaches toward the solution of legal problems, connected with the maintenance of a permanent world order. They do not purport to be definitive; they leave many questions open. The Statement is not merely a restatement of the present-day international law; it is in very important parts a statement *de lege ferenda*. But it is based, first, on the history of the past, on numerous precedents, always so important to the lawyer. Second, the Statement takes into consideration what is actually politically possible at this juncture of history. Third, it is based on a correct theoretical insight into the nature and development of law in general and of international law in particular. It is the theoretical and historical basis, together with the limitation to actual political possibilities, which, it is hoped, has made it possible to avoid both the Scylla of pessimistic despair and the Charybdis of utopia.

While fully recognizing the great progress that international law has made in the last hundred years, the Statement is correctly based on the insight that even the present-day international law is essentially a primitive legal order. It certainly is law; to deny its legal character would mean to make the mistake of identifying law with advanced law, as Austin did. But it would be equally untenable to deny the primitiveness⁷ of the present international law.

It is a highly decentralized legal order; there are no special organs for creating general international law, for applying the general norms to concrete cases; there are neither legislative organs nor compulsory courts in general international law. It is decentralized as to execution; the method of self-help (war, reprisals) dominates as in all primitive municipal legal orders (blood-feud, vendetta). The division of competences between states and the international community is heavily in favor of the states. General international law is, as all primitive laws, based on collective, not on individual, responsibility, on responsibility for the result, not on liability for culpability; it knows no differentiation of the sanction into punishment and civil execution. Treaties imposed by force are valid; the *exceptio quod metus* is unknown, as in all primitive laws.

The task, therefore, is to transform general international law from a primitive into an advanced legal order. The elimination of war means the replacement of a primitive method of self-help through the creation of special organs, which, by authority and in the name of the international community, impartially apply the general abstract rules to concrete cases and execute the decisions. The history of the development of municipal law from a primitive to an advanced stage can serve as a guide. Such history teaches that it is in vain to "outlaw" blood-feud without first creating compulsory courts and sheriffs, that even in municipal law

⁷ Cf. on this point Hans Kelsen, *Law and Peace in International Relations* (Cambridge, Mass., 1942), pp. 48-55, 82-122.

the advance is slow (*jus non facit saltus*), that the very possibility of advance is conditioned by political and psychological factors, that this advance constitutes a move from decentralization toward greater and greater centralization, toward the establishment of the monopoly of the use of force for the state.

On the other hand, it is obvious that the political conditions for such far-reaching centralization are entirely lacking in the international sphere, that there is not the slightest chance of successfully transforming the loose international community of today into a world-state, or a world federal state, and that all proposals on these lines⁸ are entirely Utopian. The transformation of general international law from a primitive to a more advanced legal order is at this time possible only within the framework of a confederation of sovereign states.

V

It is in conformity with these ideas that the Statement assumes the continued existence of sovereign states in the future, and that it is primarily concerned with interstate relations. It takes no stand *vis-à-vis* the problem of the individual as a subject in international law. It refrains from a crusade for world-wide democracy. It does not deal, speaking generally, with the relations between a sovereign state and its subjects. It does not propose, as is often done now, an "International Declaration of the Rights of Man," for the alleged violations of which an appeal to an international court would lie. It takes no stand as to the continuance or generalization of the postwar international treaties for the protection of minorities. But the Statement, in laying down⁹ a "legal duty for each state to treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind," creates an international minimum standard for the treatment by a state of its own population, whether technically citizens or not, just as international law long ago established an international minimum standard for the treatment of aliens. Even a violation of this Principle would give no other single state a right of intervention, but could be judged by the whole international community.

The aim of the Statement is an organized Community of States,¹⁰ not a World State; the law of this Community of States is international law;¹¹ the conduct of each state in its relations with other states and with the Community of States is subject to the limitations of international law;¹² all of these statements are merely restatements of the positive inter-

⁸ Cf. H. G. Wells, *The New World Order* (New York, 1940); C. B. Fawcett, *The Bases of a World Commonwealth* (London, 1941); O. Newfang, *World Federation* (New York, 1939); the same, *World Government* (New York, 1942).

⁹ Principle 2.

¹⁰ Postulate 1.

¹¹ Postulate 2.

¹² Postulate 3.

national law. The Statement rightly underlines the supremacy of international law. The so-called "sovereignty" of states is, speaking legally, nothing but a bundle of competences given to the states by international law. The "sovereignty" of states means, in terms of Verdross, used by Judge Anzilotti in the Austro-German Customs Régime Case, "that the State has over it no other authority than that of international law;" "inter"-national law is essentially and necessarily supranational law.

The Statement recognizes, in accord with the Atlantic Charter, the "constitutional autonomy" of the states; but, of course, a state is legally bound to carry out in full good faith its obligations under international law and cannot invoke limitations of its own law as an excuse for a failure to perform this duty.¹³ The Statement, in conformity with positive international law and the Inter-American Montevideo Convention of 1933, lays down the prohibition of intervention by a state in the internal affairs of any other state.¹⁴ Equally in conformity with positive law, each state has a legal duty to prevent the organization within its territory of activities calculated to foment civil strife in the territory of any other state.¹⁵ This includes the prohibition of fomenting civil strife in any other state by means of propagandist broadcasts; but the careful wording of the Statement shows that it in no way intends to interfere with the constitutionally guaranteed freedom of speech.

If, as Postulate 1 lays down, "the protection and the advancement of the common interests of the states require effective organization," it is good logic that a legal duty is established for each state to cooperate with other states in establishing and maintaining agencies of the Community of States and to collaborate in the work of such agencies.¹⁶ States are not told how to conduct this cooperation nor bound to establish specific agencies. But they are no longer allowed, in terms of a declaration by the Inter-American Juridical Committee at Rio de Janeiro, "to remain aloof from the organization of the international community." The setting up of a legal *duty* to cooperate is an innovation of the Statement.

VI

In order to eliminate war—the most urgent problem—the statement asserts that "any use of force or any threat to use force by a State in its relations with another State is a matter of concern to the Community of States;"¹⁷ a formula derived from Article XI of the Covenant of the League. It is of the utmost importance that here and throughout the Statement the term "war," used in the Covenant and in the Pact of Paris, is replaced by the term "force." The uncertainties as to the dividing line between "war" and the other forms of armed action, not constituting

¹³ Principle 1.

¹⁴ Principle 3.

¹⁵ Principle 4.

¹⁶ Principle 5.

¹⁷ Postulate 5.

"war" in the technical sense, made the prohibition of "resort to war" illusory. The Statement uses the clear term "force," whether technically constituting "war" or not. But the prohibition of the Statement envisages only the use of physical, armed force, and does not deal with more subtle forms of force, such as strong economic pressure.

In this connection, the Statement requires the states to employ exclusively pacific means for seeking to settle disputes with other states and, in case of failure of other pacific means, to accept settlement by the competent international agency.¹⁸ And "pacific means" excludes here the use of force, whether "war" or not. But states are bound exclusively to use pacific means *only* if they want to settle their disputes; they are not bound to settle them; they are free to leave them unsettled.¹⁹

It follows that each state has a legal duty to refrain from any use of force and from any threat to use force, except as authorized by the competent international agency. But a state is allowed to oppose by force an unauthorized use of force made against it by another state.²⁰ It is the exception of self-defense which must be recognized even in the most advanced municipal legal orders: *vim vi repellere licet*. But in the present primitive legal order, the recognition of self-defense practically annuls a prohibition of resort to war as long as every state is—and that is the legal situation under the Kellogg Pact—the sole judge of its right of self-defense. The Statement, while necessarily granting the right of self-defense, restricts it to a case of actual attack—it can be exercised only against unauthorized use of force, not against a threat to use force—and it brings it under international control: in its exercise of self-defense, the state is subject to immediate reference to and approval by the competent international agency.

Doing away with self-help presupposes the taking over of the protection of states by the Community of States. That is why every state is legally bound to take, in coöperation with other states, such measures as may be prescribed by the competent international agency for preventing or suppressing the illegal use of force.²¹ The Statement knows sanctions; this proviso corresponds to what has become known as the system of "collective security." But the Statement is, for wise political reasons, against an international mandate given to a single state; on the other hand, learning from the failures of the League, it lays down neither automatic sanctions of a predetermined nature nor an obligation of the same nature for all the states; it gives greater freedom to the international agency.

¹⁸ Principle 6.

¹⁹ Cf. the dispute now more than a hundred years old between Great Britain and Argentina with regard to sovereignty over the Falkland Islands.

²⁰ Principle 7.

²¹ Principle 8.

The Statement further establishes a duty for each state to conform to limitations, internationally prescribed, with regard to the size and type of armaments and to submit to the supervision and control of the competent international agency.²² It further forbids each State to enter into any agreement with another state, the performance of which would be inconsistent with the discharge of its duties under general international law.²³

But the elimination of war presupposes another step of the utmost importance—the possibility of “peaceful change.” This is a world of perpetual change; nothing is or can be “forever,” not even the world itself. This holds true, too, in international relations. International law has long ignored this vital problem, has tried to cling to the illusion that in this field, at least, everything can be settled once and for all, “forever.” This illusion is naturally dear to the *beati possidentes* and to the victors in a war, but it is an illusion. In a world in which one cannot step twice into the same river, a purely static point of view is already philosophically untenable. Change will come anyway; the question can only be whether it will come by force—revolution, civil war, war—or whether it can be brought about peacefully. A just and durable peace presupposes a balance between stability and change, between order and justice, between the sanctity of treaties and their revision.²⁴ It is, therefore, fundamental that the Statement postulates that “the maintenance of just and peaceful relations between States requires orderly procedures by which international situations can be readjusted as need arises.”²⁵ And such procedures cannot be left to wait upon the free concurrence of the interested states.

VII

The Proposals are mere suggestions. The basic proposal is that of universality, as opposed to mere regionalism.²⁶ The League of Nations, despite its tendency toward universality, was only a particular Confederation of States. The Covenant, naturally not binding upon non-members, constituted only particular, not general, international law. The Statement wants to transform general international law from a primitive into a more advanced legal order; and to ask for a universal Community of States means only to say the same thing in other words. For it is not, as non-lawyers sometimes put it, as if the international organization would have to be added to international law; the international organization is the international law of a no longer primitive type.

²² Principle 9.

²³ Principle 10.

²⁴ Cf. Josef L. Kunz, “The Law of Nations, Static and Dynamic,” *American Journal of International Law*, Vol. 27, pp. 630–650 (1933), and “The Problem of Revision in International Law,” *ibid.*, Vol. 33, pp. 33–55 (1939).

²⁵ Postulate 6.

²⁶ Proposal 1, par. 1.

The proposal of universality is in this writer's judgment fundamental. Mere regional or continental organizations are absolutely inadequate, even dangerous. Any less than universal organization, whether of "democratic," of "like-minded," states or of the United Nations, must bring forth a counter-combination, and is basically nothing but an *alliance vieux jeu*. If we want a more peaceful world, we must have, to quote Woodrow Wilson's words, a "disentangling alliance" of all the nations for the benefit of all the nations, and directed against no nation.

Learning from the mistakes of 1920, when enemies, Russia, neutrals (Mexico), even allies (Costa Rica), were excluded initially from the League, the new international organization must be universal. All states existing at the end of the war—United Nations, neutrals, enemies—must be included. None should remain aloof; none should be excluded. The Statement does not close its eyes to the possibility of restrictions on certain states at the end of the war. But such restrictions must be merely restrictions on active participation, not exclusion from membership; even these restrictions must be strictly temporary, and removed as early as possible, if the organization is not to be crippled.

The principle of universality further demands that all states which may come into existence in the future be included, and that, contrary to the Covenant, no State should be permitted to withdraw nor should any state be expelled. The principle of universality by no means excludes regional organizations; but they can be admitted only in so far as their purposes are not inconsistent with those of the universal organization, and as the activities of regional agencies are coördinated with the activities of the universal agencies.²⁷

The problem of how to bring about the transformation of the present primitive international community into the organized Community of States is left open by the Statement. But that the Statement does not envisage a revolutionary procedure of making a decision by a certain number of states legally binding on other states, without or against their consent, can be seen from Proposal 23, which deals with the amendment of the "international instrument creating the organization of the Community of States."

But this universal Community of States is a confederation of sovereign States, not a World Federal State. Following the precedents of international administrative unions and of the League, it would have three principal organs: General Assembly, Executive Council, and General Secretariat. The last-mentioned²⁸ would be along the lines of the Secretariat of the League. But learning from the League's experience that some member-states more and more got men appointed who were much

²⁷ Proposal 1, par. 2.

²⁸ Proposal 16.

more the agents of their states within, than international officials of, the League, it is wisely proposed that the officials of the Secretariat should be independent of control by the states of which they are nationals. This point is very important: an effective Community of States needs a truly international civil service.

The General Assembly,²⁹ which meets at least once a year, and in which all states are entitled to representation is, true to the character of a federation, not a popularly elected parliament, but a strictly international, diplomatic conference, consisting only of government representatives; the delegates of each state vote as a unit. The Executive Council,³⁰ meeting at least four times a year, would be the general executive organ. Assembly and Council would have authority to establish their own rules of procedure; their meetings would be, in general, public.³¹

Following the Covenant, Assembly and Council would have, in general, identical competence: power to deal with any matter of concern to the Community of States. But certain important functions lie within the exclusive competence of the Assembly: to elect states to the Executive Council,³² to deal with all questions relating to the general budget, to decide upon methods of providing funds for meeting expenses, and to fix the proportions in which states should contribute to such funds.³³

Other very important functions fall within the exclusive competence of the Executive Council. Acting in all cases *ex officio* or at the request of any state, the Council has power to take cognizance (1) of any alleged failure by a state to carry out its obligations under international law, and if the failure is established, to take such action as it may deem necessary for protection of the interests of the Community of States;³⁴ (2) of the prevalence within the territory of any conditions which menace international peace and order;³⁵ (3) of any use of force, or threat to use force, by a state in its relations with any other state; and to take such action as it may deem necessary and to prescribe the specific measures to be taken by states for preventing or suppressing the use of force.³⁶ The decision whether "sanctions" should be applied, and, if so, of what nature and by what states, would be left to the Council. These sanctions could be economic or military, or both. True to the character of a confederation, the Statement does not propose an "international police force," but the use of national forces in case of need. For an "international police force" in the real sense, i.e., a strictly international military establishment, the members of which would owe allegiance only to the Community of States, with an international general staff, under international command, and at the disposal of an international government, an international estab-

²⁹ Proposal 2.

³⁰ Proposal 3.

³¹ Proposal 5.

³² Proposal 4.

³³ Proposal 6.

³⁴ Proposal 8.

³⁵ Proposal 10.

³⁶ Proposal 9.

lishment of overwhelming force, would mean a World State; and that is, at this time, wholly utopian.

Certain matters would fall under the concurrent competence of Assembly and Council: (1) to adopt general provisions for preventing or suppressing the use of force by states in their relations with other states;³⁷ (2) amendment of the international instrument creating the organization of the Community of States;³⁸ (3) to advise the revision by the parties of executory treaties;³⁹ (4) to advise the readjustment of international situations;⁴⁰ (5) to create and maintain special agencies for dealing with matters of disarmament, international trade, production and distribution of food and raw materials, international finance and investments, international transportation and communications, public health, narcotics and dangerous drugs, intellectual coöperation, population and immigration problems, and welfare of dependent peoples.⁴¹ In all of these fields, we possess precedents in the often very successful work of the League of Nations. The Statement further calls for maintaining the International Labor Organization⁴² and various existing international unions as agencies of the Community of States.⁴³

A sixth matter within the concurrent competence of the Assembly and Council would be international legislation. Speaking generally, the Assembly is merely a deliberative, not a legislative, organ.⁴⁴ But at one point the Statement would vest in it a power of true international legislation, though limited to the modification of existing and enactment of new norms of general international law. Here we could speak, for the first time in history, of genuine international legislation. The Assembly would not merely recommend or prepare draft treaties, but would legislate with direct binding effect on the states, including those voting against such legislation. But the necessity of a two-thirds vote, plus the unanimous vote of the Council, would guard against the hasty exercise of this power. This legislative power certainly is one of the boldest innovations of the Statement. If accepted, it would mean a great advance; it would make possible a development of general international law, hitherto hampered by the fact that such law could be created only by custom—a slow, vague, typically primitive procedure.

Equally progressive is the handling of the unanimity problem. Contrary to the Covenant, Assembly decisions would, in general, need only a simple majority vote.⁴⁵ A two-thirds vote, plus concurrence of the Council, would be necessary only in exercising the power of international legislation, in advices on revision, and in amending the Constitution.

International organization always poses the delicate problem of a

³⁷ Proposal 9, par. 1.

³⁸ Proposal 23.

³⁹ Proposal 21.

⁴⁰ Proposal 22.

⁴¹ Proposal 11.

⁴² Proposal 14.

⁴³ Proposal 15.

⁴⁴ Proposal 7.

⁴⁵ Proposal 2, par. 2.

balance between the equality of states and the necessary prominence of the leading states. The Statement tries to solve this problem, first by universal representation in the Assembly and a proviso that the Assembly must concur in certain functions of the Council. The leading position of the most important states is, however, indispensable; nor is this in contradiction with positive law. For the "equality of states" as a norm of positive general international law means only their quality *before* the law, not necessarily their equality *in* law. That is why the Statement suggests a system of weighting the votes of states in the Assembly, according to some criterion or a combination of criteria, or different systems of weighting the votes.

The primary device is the composition of the Council, which, as in the League, is a body limited to a certain number of states. But the Statement, contrary to the Covenant, does not propose "born," permanent members of the Council. While initially the states entitled to a seat in the Council should be named, in general *all* Council members would be elected by the Assembly. This would avoid the odium of a legal privilege for the "Great Powers," especially as the election would come from the Assembly, where all the states are represented. The continuous election of the really leading Powers seems certain; but their reelection would depend on their keeping their leading position, and the way would be open for the election of states which in the meantime had attained a leading position. Following a precedent taken from the International Labor Organization, eligibility to the Council would be restricted to the states of chief importance in international affairs, so that a number of states would be excluded *a priori* from eligibility.⁴⁶ Further, contrary to the Assembly, Council votes need, in general, unanimity⁴⁷; and the Council has unanimously to concur in certain functions of the Assembly.

It seems that these proposals should satisfy the "Great Powers"—for the most important decisions would need their unanimous vote—without offending the *amour-propre* of the smaller states, and thus guarantee an effective international organization.

VIII

International coöperation in many fields is a very important function, but the maintenance of peace is the vital task. And it is not enough to forbid the use of force by a state in its relation with any other state and to give the Council certain powers to use force, of which we spoke in the preceding section, in case of violation of the prohibition or of other breaches of international law.

⁴⁶ Proposal 4.

⁴⁷ Exceptions: matters of procedure and appointment (simple majority), two-thirds vote for proposals of revision.

War, in the present primitive international law, has served for upholding a state's right, violated by another state, through methods of self-help, and as a revolutionary procedure for changing the existing law. Elimination of war, in consequence, is possible only if peaceful and effective substitute procedures for both upholding and changing the law are created. Advanced municipal law, in order to eliminate blood-feud and revolutions, has created courts and legislatures.

The most urgent need, the first necessary step toward a more advanced international legal order, is the introduction of compulsory courts in general international law. This is today widely recognized.⁴⁸

The Statement, apart from upholding the Permanent Court of Arbitration at the Hague,⁴⁹ stands for the maintenance of the Permanent Court of International Justice⁵⁰ "as the chief judicial organ of the Community of States;" "its Statute should be adapted to the organization of the Community of States."⁵¹ The Proposal leaves open the question of other permanent international courts, but asks for their hierarchical subordination to the PCIJ. No proposals as to the adaptation of the Statute are made. In this writer's judgment, further guarantees for the impartiality of the judges should be enacted, and the institution of "national judges" should be abolished.

The most far-reaching and absolutely necessary innovation of the Statement is the introduction of the compulsory jurisdiction of the PCIJ,⁵² and authority to decide upon its own jurisdiction. These latter decisions, as well as the judgments on the merits, are, of course, binding upon the parties. The system of advisory opinions is maintained.

This innovation is fundamental. Hitherto no compulsory courts have existed in general international law, nor did the PCIJ have such compulsory jurisdiction. The corresponding clause was optional, was entered into only for a certain time, and was vitiated by numerous important

⁴⁸ "One of the institutions that should be established and which must be given efficiency is an International Court of Justice," said Secretary of State Cordell Hull in a statement of July 23, 1942. A resolution of the committee of the American Bar Association on postwar international judicial organization, August 24, 1943, p. 14, lays down, "that a primary war and peace objective is the establishment and maintenance of an effective international peace among all nations based on law and the orderly administration of justice, and that the administration of international justice requires the organization of a judicial system of inter-related permanent international courts with obligatory jurisdiction." This resolution has been adopted by the American Branch of the International Law Association, the Federal Bar Association, the American Society of International Law, and the House of Delegates of the American Bar Association. Cf. also Commission to Study the Organization of Peace, Preliminary Report, Nov., 1940, p. 12; and Inter-American Bar Association [*American Journal of International Law*, Vol. 27, pp. 106-115 (Jan., 1943)].

⁴⁹ Proposal 13.

⁵⁰ Referred to in the following as PCIJ.

⁵¹ Proposal 12.

⁵² Proposal 17.

reservations. Compulsory jurisdiction means that no reservations are admissible either as to the nature of the dispute or as to the time when it arose, that no special *compromis* is needed in each case, and that the unilateral request by one party submits the other party to the jurisdiction of the PCIJ. The absolute necessity of the introduction of courts with compulsory jurisdiction into general international law as the first step toward a more advanced international legal order has been defended with particular vigor by Kelsen.⁵³

Proposal 17 suggests compulsory jurisdiction over all interstate disputes "in which States are in conflict as to their respective legal rights." The conditions for setting in motion the compulsory jurisdiction of the PCIJ are, therefore, that there exist "a dispute" of this category and that at least one party to the dispute make an application to the PCIJ. It is not necessary that all other means of peaceful settlement have been exhausted without result, or that it has not been possible to settle the dispute by diplomacy. The parties, on the other hand, are, of course, free to settle the dispute by diplomacy, or to agree to settle it by recourse to good offices, mediation, conciliation, or also to submit the dispute to the adjudication of the Permanent Court of Arbitration or of an *ad hoc* international tribunal. But if the method agreed upon should not result in a settlement, any party can make an application to the PCIJ. The Statement does not give the PCIJ jurisdiction in disputes of this category which are pending before the Executive Council; the justification of this latter feature is debatable.

Proposal 20 gives the PCIJ jurisdiction upon application by any party to the treaty to give a declaratory judgment that an executory treaty has ceased, in whole or in part, to be binding in the sense of calling for further performance, in the case of the application of the *clausula rebus sic stantibus*. This clause applies, as correctly defined by the statement, if the PCIJ finds that the treaty has been entered into with reference to an existing state of facts, that the continued existence of this state of facts had been envisaged by the parties at the time as a determining factor moving them to undertake the obligations stipulated, and that this state of facts has essentially changed. This is, indeed, a question "as to the respective legal rights" of the parties, very different from a dispute, arising out of one party's wish for the *revision* of a treaty, the continued binding force of which is not disputed—a wish for revision by change or abolition of a valid treaty for political, metajuridical reasons.

⁵³ Hans Kelsen, *Law and Peace in International Relations* (Cambridge, Mass., 1942), pp. 145-168; "Compulsory Adjudication of International Disputes," *American Journal of International Law*, Vol. 37, pp. 397-406 (July, 1943); "Peace Through Law," *Journal of Legal and Political Sociology*, Vol. 2 (Oct., 1943), in Spanish translation: "La Paz por el Derecho," in *Revista del Colegio de Abogados de Buenos Aires*, Vol. 21 (1943).

On the supposition that the PCIJ will have no sheriffs, and that an international police force is utopian, the Statement provides²⁴ for the execution of a judgment of the Court, in the event of failure by any state to comply with it, the Council to have power to take such action as it may deem necessary for giving effect to the judgment.

As the Statement restricts the compulsory jurisdiction of the PCIJ to interstate disputes in which states are in conflict as to their respective legal rights, and which are submitted to the Court by at least one party to the dispute, provision must be made for the peaceful settlement of all other interstate conflicts. Proposal 18 gives the Executive Council power to take cognizance of any dispute between two or more states which is not pending before the PCIJ, to take conservatory measures, to request an advisory opinion of the PCIJ by majority vote—a very important and necessary innovation, as compared with the League of Nations—to try to bring about a settlement of the dispute by agreement of the parties, and, in case of failure, to give by unanimous vote a decision binding upon the parties; and, failing such a decision, to adopt by majority vote and publish a report containing a statement of the facts and the recommendations deemed to be just and proper in regard thereto. The Council can exercise this power not only at the request of any party to the dispute, but at the request of *any* state and without request *ex officio*.

It will be seen that this power of the Council extends to *all* disputes, not only to the so-called "political" disputes. It applies, first, to interstate disputes, in which the states are not in conflict as to their respective rights, disputes which this writer has called "dynamic conflicts," disputes in which the positive law is not disputed, but where at least one party seeks a change of this positive law. It is clear that such disputes cannot be solved by a court; they call for international legislation. And as long as no general international legislation can be established, peaceful settlement must be sought through procedures such as outlined by the Statement. This proviso is one of "peaceful change." The weak point of the proposal consists in the fact that it does not guarantee a settlement of the dispute in all cases. For the majority opinion of the Council is not binding, and to reach a unanimous report is in international affairs notoriously difficult.

The power of the Council under Proposal 18, applies, second, to interstate disputes in which the parties are in conflict as to their respective legal rights, if no party has made an application to the PCIJ; indeed, the power of the Council extends to all conflicts of this nature, except if they are pending before the PCIJ. In this case, a unanimous binding decision in a dispute in which the parties are in conflict as to their respective legal rights could be reached, which is not based on the positive law, and a fail-

²⁴ Proposal 17, par. 3.

ure to comply with such binding decision could set in motion the action of the Council under Proposal 8. This part or consequence of Proposal 18 is debatable.

Proposal 18 already enters the area of "peaceful change," for which further provisions are made by Proposals 21 and 22. Under Proposal 21, the Executive Council, acting at the request of any party to the treaty—never *ex officio*—has power, by a two-thirds vote, and with the concurrence of the Assembly, given by a two-thirds vote, to advise the revision by the parties of an executory treaty which it finds to be not adapted to existing conditions. But the revision would have to be made by the parties, and the advice has no binding effect. If one of the parties fails to collaborate in full good faith in the revision after such advice has been given, any other party can apply to the PCIJ, which has jurisdiction by declaratory judgment to pronounce that the treaty has ceased to be binding, if the Court finds that under the existing conditions the treaty has become unduly onerous to one or more of the parties.

The procedure would not necessarily lead to a settlement. The Court's jurisdiction arises only in case of failure to collaborate in the revision; the Court would have to give a judgment on a *political* issue. For this is a true case of revision of treaties, but restricted to executory treaties.

The problem of revision, however, can arise also with regard to international situations produced by executed treaties or not based on treaties. That is why Proposal 22 gives the Executive Council power, *ex officio* or at the request of any state, by two-thirds vote and with the concurrence of the Assembly, given by two-thirds vote, to advise the readjustment of any situation the continued existence of which would endanger good understanding between states. But the advice would have no binding force.

While the Statement, and especially the proposals, are open to debate at some points, it is hoped that in general it will be found sound. The Statement does not envisage a millennium; it restricts itself to laying down points which are essential and, at the same time, within political possibilities. The Statement assumes that a progressive development will be slow and difficult; but it supplies a starting point for the transformation of the present primitive into an advanced general international law. It does so by the prohibition of the use of force, substituting organized and pacific procedures for upholding and for changing law. It tries to balance security and justice. It is a proposal for a universal confederation of sovereign states, designed to lead, not to a World State, but to a world of "good neighbors," coöperating in peace for a better world, not only with regard to freedom from fear and want, but also with regard to those superlative human goals—greater and greater achievements in the realm of culture.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At the University of Chicago, Professor Charles E. Merriam is again giving his course on American political theory, together with a special series of lectures in this field, during the spring quarter.

Professor Marshall E. Dimock, Assistant Deputy War Shipping Administrator, is giving a series of ten lectures at New York University during the current semester on "Philosophy of the Public Service State."

For the past two years, Professor Frank M. Stewart, director of the Bureau of Governmental Research at the University of California at Los Angeles, has served as director of metropolitan area studies for the Haynes Foundation of Los Angeles.

Dr. Guy Howard Dodge and Dr. John W. Lederle, of Brown University, have been promoted to the rank of assistant professor. Dr. Lederle has also been appointed assistant dean of the College.

Professor Charles H. McIlwain, of Harvard University, has been appointed to the George Eastman visiting professorship at Oxford University, which on account of the war has been vacant since 1940.

Mr. Frederick P. Gruenberg, who for approximately two years has been area rent director of the Philadelphia Defense-Rental Area of the Office of Price Administration, has resigned to become secretary of the Samuel S. Fels Fund. The Fels Fund is a foundation created by Mr. Fels for research in scientific, educational, civic, and social problems.

Professor L. Vaughn Howard, formerly of the University of Maryland, is organizing a bureau of public administration at the University of Georgia and also serving as executive director of the Georgia Agricultural and Industrial Development Commission.

Colonel Joseph P. Harris, of the University of California, who was formerly in charge of the work in public administration at the School of Military Government at Charlottesville, Virginia, has accepted the position of Director of Personnel for UNRRA. Major Charles M. Kneier, of the University of Illinois, is now in charge of the work in public administration at the School of Military Government.

Announcement has been made of the promotion of Professor John W. Manning from the rank of Major to that of Lieutenant Colonel. Colonel Manning, on military leave from the University of Kentucky, is now the

Assistant Chief, Office of Technical Information, Adjutant General's Office, War Department, Washington, D. C.

Professor Franklin L. Burdette, of Butler University and the National Foundation for Education, is serving as a member of the Indiana War History Commission by appointment of the governor.

Dr. Esson M. Gale, acting James Orrin Murfin professor of political science at the University of Michigan in 1940-41, has been appointed counselor to foreign students and director of the International Center at the University of Michigan. He succeeds Professor J. Raleigh Nelson, who retired in 1943. Professor Gale continues to give instruction in Far Eastern international relations.

Dr. William G. Torpey was a Navy Department representative at the second annual conference of the Federal Personnel Council of Metropolitan New York held in New York City on February 9-11. He is administrative assistant in charge of civilian personnel operations for the Third Naval District Headquarters, New York.

Professor Joseph A. Kitchin, on leave from the University of Maryland, is a First Lieutenant in the U. S. Marine Corps and is assigned to an aviation unit.

Dr. Kenneth O. Warner, formerly director of personnel in the Office of Price Administration, has been appointed assistant administrator in the Foreign Economic Administration.

During February and March, and by arrangement of the Carnegie Endowment for International Peace, Professor Wilson L. Godshall, of Lehigh University, spoke at West Texas State College and at a Northwest Regional Conference at Spokane, Washington, on postwar prospects and plans for international organization.

Dr. William O. Farber, on leave as professor of government and director of the Governmental Research Bureau at the University of South Dakota, has been appointed warrant officer in the Historical Section of the AAF Central Flying Training Command at Randolph Field, Texas. For one year prior to his induction into the Army, Dr. Farber was State Price Officer for the OPA in South Dakota.

Dr. Richard G. Brown, associate professor of political science at Illinois State Normal University, Normal, Illinois, has been appointed acting director of research for the Illinois Legislative Council. Dr. Karl A. Bosworth, who has been acting director since last September, has accepted a position with the Civil Service Assembly in Chicago. The director of research, Dr. J. A. Isakoff, is on leave while in military service.

Among fourteen members of a commission supported financially by *Time, Inc.*, and headed by President Robert M. Hutchins, of the University of Chicago, for purposes of an extended study of the freedom of the press in America, are Professor Charles E. Merriam, of the University of Chicago, Dr. Harold D. Lasswell, of the Library of Congress, and Dr. Robert D. Leigh, director of the foreign broadcast intelligence service of the Federal Communications Commission.

The National Tax Association will hold its thirty-seventh annual conference, September 11, 12 and 13, at the Jefferson Hotel, St. Louis. Professor James W. Martin, of the University of Kentucky, and formerly tax commissioner of that state, has been appointed chairman of the program committee.

On January 22, the Pacific Southwest Academy held at Los Angeles a regional conference on postwar problems, with seminars on "Full Employment and Free Enterprise," "The Social Responsibility of Planning," and "Regional vs. Worldwide International Organization," and with three other sessions of more general character. The series closed with a dinner meeting presided over by Professor John M. Pfiffner, of the University of Southern California, president of the Academy. In the capacity of a past president of the national organization, Professor Charles Grove Haines extended greetings from the American Political Science Association.

Under the auspices of the Graduate Division of the School of Social Sciences and Public Affairs at the American University, Washington, D. C., and with the coöperation of the U. S. Bureau of the Budget, materials on "Budgeting: An Instrument of Planning and Management" are being prepared and edited by Professor Catheryn Seckler-Hudson, chairman of the department of public administration. The materials will appear in seven volumes, processed, under the following titles, Nos. 1, 3, and 5 being now available: (1) "The Evolution of the Budgetary Concept in the Federal Government"; (2) "Federal Budgeting and National Fiscal Policy"; (3) "Wartime Budgeting, Including Federal-State-Local Fiscal Relations"; (4) "The Relationship of Budgeting to Planning and Management"; (5) "Formulation of the Federal Budget and the Appropriation of Funds"; (6) "Execution of the Federal Budget and Fiscal Accountability"; (7) "Government Corporations and the Budgetary Process." The purpose of this effort is to make available to those interested in government and administration selected readings, hitherto largely unpublished, on the evolving broad concept and practice of budgeting as a tool and process of management.

A Preparatory Working Commission has recently been established in

Chungking to formulate the constitution of a China Society of International Law for the purpose of promoting the study of international law and relations in the Orient. The president of the Commission is Dr. Sun Fo, president of the Legislative Yuan, and the members of the organization include such other prominent Chinese government leaders as Dr. Wang Chung-hui, secretary-general of the Supreme National Defense Council; Dr. Quo Tai-chi, chairman of the Foreign Affairs Committee of the Supreme National Defense Council; Dr. Wang Shih-chieh, secretary-general of the People's Political Council; and Dr. Hsieh Kuan-seng, minister of justice. The organizing secretary of the Commission is Professor Percy Chen, son of the former minister of foreign affairs, Mr. Eugene Chen.

President Leonard D. White has appointed Dr. James W. Fesler (War Production Board) as chairman of the Program Committee for the year 1944, and also chairman of the Washington Committee. Professor Lloyd M. Short (University of Minnesota) has been appointed chairman of the Committee on Nomination of Officers for the year 1945. Other chairmen of committees include Professor John E. Briggs (State University of Iowa) for the Committee on Regional and Functional Societies; Dr. Ernest S. Griffith (Library of Congress) for the Committee on Research; Professor Howard White (Miami University) for the Committee on the Social Studies; Professor William Anderson (University of Minnesota) for the Committee on Endowment; Professor W. Read West (George Washington University) for the Committee on Publication of Election Statistics for 1944; Professor Franklin L. Burdette (Butler University) for the Committee on Professional Opportunities of Political Scientists; and Professor Francis W. Coker (Yale University) for the Committee on the Library of Political Thought. Complete committee memberships will be published in the June issue of the REVIEW.

BOOK REVIEWS AND NOTICES

Reflections on the Revolution of Our Time. BY HAROLD J. LASKI. (New York: The Viking Press, 1943. Pp. 419. \$3.50.)

This study represents a milestone in Laski's distinguished writing career. Similar to his earlier *Grammar of Politics*, it again concludes a fruitful period of his intellectual development. It highlights and summarizes the findings of a decade of publications which began with *Democracy in Crisis* and were continued in *The State in Theory and Practice*, *The Rise of Liberalism*, and his most recent *Where Do We Go from Here?* This very fact explains that many ideas and concepts presented in this new volume will be quite familiar to the careful student of Laski. Even the uninitiated may sometimes detect repetitions in an otherwise well-rounded performance. Yet one welcomes such powerful restatement for its intensity and comprehensiveness of close-knit argumentation in the master's best style. It gives this new presentation a degree of finality.

The basis of Laski's views is his conviction that the present-day conflagration is but a part of a great social upheaval. This coincidence of War and Revolution, commonplace though it may have become in the daily columns by now, is seen by Laski in all its repercussions. To win the war is not enough; the peace to be made becomes the yardstick for real victory. The very challenge of the revolution of our time can be answered only if the conflict between democracy and social order is fully resolved. Laski is genuinely concerned about the survival, renewal, and extension of democratic values and institutions; yet the historical union between rising capitalism and an early democracy makes him doubt whether the economic ruling classes will be ready to allow the increasing participation of the awakening masses in the political, social, and economic returns. The acquiescence of the owning classes, though difficult in a contracting capitalism, would allow a "revolution by consent" which, according to the author, is the only alternative to fascism and imperialistic war and must come now when "the drama of war makes the common interests more compelling than any private interest." Such thoughts, in broad pattern, indicate the sign posts along which Laski cuts across the labyrinth of the "Revolution of Our Time." If one wants to classify his analysis, it might well be called a Marxist interpretation of a refined kind. Such a simplified report certainly does not do justice to the richness of his observations and to the abundant material brought together in this volume. Yet, a bare outline tracing his ambitious attempt at a panorama of the profound transformation must suffice.

The study opens with an astute evaluation of "The Spirit of the Age." It rightly emphasizes the importance of fear as a most significant psychological element predominant among the ruling classes today. The

catholicity of the author's view can be well seen in his interpretation of Stalin, whose actions, especially from 1939 to Hitler's assault on Russia, were not in the least dictated by this grip of fear which "paralyzes the faculty of rational judgment." In fact, the author's whole analysis of the Russian revolution is one of the most balanced and circumspect interpretations the reviewer has seen on this most controversial topic. Laski is convinced that the Russian revolution constitutes an historic event which will match the import of the French Revolution. And, different from the Edmund Burkes of today, he views the great socio-economic transformation of the U.S.S.R. as an inspiring trend of our time. Despite such admiration, he gives a sober and critical vista of the special character of progressing Bolshevism, including its world-wide repercussions in the Third International.

The ensuing study of "The Meaning of Fascism" may not strike the reader as being equally original and penetrating with the interpretation of the Soviet scene. To a large extent, it elaborates the well-known formula of the Marxist analysis: Fascism, the last stage of capitalism—though Laski recognizes two basic facts overlooked by the prevalent Leftist interpretation. Fascism was able to build up mass movements, and by its own inner logic it has been driven to the destruction of capitalism in its historic liberal form. Such an exposition brings Laski much closer to the "dynamics of power" than that of other revolutionary thinkers who have so badly neglected it. Moreover, the great upheaval of our time reflects fundamentally a moral and total crisis, the need for a faith in a social order, as Laski so well puts it. One may argue with him about the definiteness with which he describes the status of our present world as "a society that is hastening to its dissolution"; though hardly any serious student of modern totalitarianism can deny the justification of his statement that the success of fascism was "only possible in any society in an epoch when men no longer have the great ends of life in common."

The ensuing extensive discussion of "the democracies at bay" elaborates in detail the internal and international aspects which must be considered in a postwar world if it is to lead to a genuine order. It is especially gratifying at this point that Laski does not offer another set of blueprints, but that he insists on the "analysis of the central conditions without which the idea of international government is no more than a conceptual toy with which man may play." This last part on "the threat of counter-revolution" and "freedom in a democracy" represents worth-while reading, even for those who may not agree with his exposition *in toto*, and certainly constitutes one of the most thought-provoking contributions to a popularly inflated discussion on the postwar world.

Laski has come a long way from the *Grammar of Politics* and his

doctrine of Pluralism to the Class-Domination theory as presented during the last decade of his learned career. One may easily detect at this mature stage of his intellectual development a view which goes far beyond a materialistic interpretation of history (whose champion he has long been regarded as being) and an attempt at a comprehensive understanding of the complex reality. In fact, if one tries to explain the profound effect which Laski's teaching and writing has had on both sides of the Atlantic, one may see it in his rare combination of conceptual clarity and concrete awareness, of philosophical insight and an amazing grasp of the multifarious reality. Thus he fulfills the twofold function of the social thinker of today: the indefatigable mastery of concrete situations and the establishment of a frame of reference which alone gives meaning and directness to an otherwise chaotic reality.

It is the special virtue of this great social scientist that he confronts his contemporaries with a clear challenge, while at the same time the intellectual finesse of his observation and his unflinching respect for reality will make him break any artificial framework of absolute concepts. If the impatient zeal of the great reformer and the cool restraint of the trained observer, this impressive combination of eloquence and erudition, sometimes lead to seeming contradictions, they make his performance the more admirable and real. They show the maturity of his thought, and guarantee the lasting influence of his work.

SIGMUND NEUMANN.

Wesleyan University.

Fabian Socialism. BY G. D. H. COLE. (London: George Allen and Unwin, Ltd. 1943. Pp. vii, 172. 7s. 6d.)

Mr. Cole is the chairman of the Fabian Society, and this book, as he explains in his Preface, was begun in 1941 at the summer school conducted by the Society. It is not, however, a tract or official publication of the Fabians, but expresses the author's own conception of their ideals and principles. Yet it grew directly from the purpose of the Society to foster a new socialist crusade, and its intention is to induce "action-now." That is to say, the book is meant to bring an end to the moratorium on politics and political discussion which has been the result at once of the war and of the inclusion of all the British parties in a coalition government. Mr. Cole has accordingly attempted to give a persuasive and, so far as possible, a non-controversial statement of socialism, in simple language and in terms of moral and political ideals entertained by liberal-minded Englishmen of all classes, with as little stress as possible on ideological arguments that might divide his audience. His book is in fact addressed to all men of intelligence and good-will, with the design of convincing them that socialism is the only hope for a peaceful and progressive European society.

after Germany has been defeated. However successful it may prove, it is at least well suited to the end he has in view. His writing, though not without occasional evidences of haste and of faulty coördination, is lucid and easy—the work of a practiced and skillful expositor. And behind the writing are feeling and seriousness and a genuine sense of the moral urgency of the situation.

In a sense, it might be said that Mr. Cole seeks a return to the earlier days of the British Labor party. His exposition of Fabian Socialism makes no claim to originality, at least in its main principles. These are the principles and purposes which Sidney Webb set down for the Labor party at the end of the last war in the report on general policy which was published under the title *Labour and the New Social Order*: the enforcement of a national minimum of "leisure, health, education, and subsistence." Mr. Cole's socialism is motivated, as Fabian socialism has always been, by a sense of social morality and responsibility, and by a desire to see economic and social and political arrangements controlled by scientific and administrative intelligence for humane ends. It is quite non-Marxian in that class-antagonism has no part in its theory and revolution has no part in its strategy. Its approach to social problems is meant to be realistic, in the sense that it avoids confusing its aspirations with facts and aims to keep its aspirations within the bounds of the practicable. Its method is empirical, and its ideology includes no nonsense about dialectic either idealist or materialist. But with all its willingness to compromise in details and to make haste toward the new order as slowly as may be necessary, it is uncompromisingly socialist in its main aims. Mr. Cole is convinced that for the present capitalism means not free enterprise but monopoly, and monopoly means war and fascism. Hence any acceptable society that is now possible must rest "on planning for plenty and social welfare, on collective ownership and control of the key services which determine the general character of the productive system, on collective control of the distribution of the national income, and on an attempt to achieve a social structure which will call for the active participation of as many as possible of the citizens in the work of political and economic government and administration" (p. 167). It is because the present Labor party has lost sight of these ends, and because the socialist propaganda formerly carried on by the Independent Labor party has lapsed, that the Fabian Society must now step forward as the active agent in teaching socialism to the trade unions.

Mr. Cole's book is avowedly a tract for the times. Its only claim to originality is its attempt to restate the purposes of Fabianism in the light of present problems. Even in this respect, almost by its own profession it is dated. Evidently a considerable time, in comparison with the rapidity with which events now move, has elapsed between the writing of some of

its chapters and its publication. As he himself notes, the chapter on social security was completed before the printing of the Beveridge Report. And the chapter on international affairs in Europe was written while it was possible to entertain the possibility—perhaps the hope—that the war would leave Russian influence confined almost wholly to eastern Europe. If Fabian Socialism succeeds in becoming an important factor in British politics, its program, in all except general principles, will have to be revised and elaborated much beyond the point to which Mr. Cole has brought it.

GEORGE H. SABINE.

Cornell University.

A Social Psychology of War and Peace. By MARK A. MAY. (New Haven: Yale University Press. Published for the Institute of Human Relations. 1943. Pp. ix, 284. \$2.75.)

Dr. May has given us a timely and valuable book. It is a clear exposition of the manner in which human beings are conditioned and habituated to war and peace. The account of the primary psychological responses is lucid and direct, unencumbered by scholarly verbiage or needless technicality, if also not marked by any original contribution to the subject. The author writes convincingly of the processes by which men learn to hate and to fight, to fear and to escape, to love and to defend. His main contention here, supported by the researches of modern psychology, is that our social training and indoctrination are primarily responsible for the attachments of our emotional life. The argument is well sustained, although at points it may be over-simple, as when, for example, he says that "learning to love is simply learning the places, things, and circumstances that can be *counted upon* [author's italics] to satisfy some want, felt need, or desire" (p. 104). The inadequacy of such simplification appears when it is applied to some particular social phenomenon, such as love of country. "Love for country," says our author, "is accomplished basically by getting the symbols that stand for it connected as stimuli to responses which reduce pain, relieve anxiety, and otherwise satisfy the needs, wants, appetites, and desires of the child." In this and some other passages there is a too exclusive reliance on the "stimulus-response" principle, which tends to do less than justice to the complexity of the social personality of men and groups. Consequently, the account given by Dr. May of such social phenomena as leadership, the appeal to the masses, social movements, etc., leaves something to be desired.

On the other hand, the author's recognition of the rôle of institutions in the formation of habits is particularly significant, and from it he draws some very important conclusions. He offers cogent evidence to show that "social attitudes and habits favorable to peace can be produced by

education" (p. 235). But we must provide the "necessary learning conditions." And a primary condition is the creation of international institutions to which the requisite attitudes can be directed. Dr. May opposes this conclusion to the defeatist position that we must first become good before we can have a better world. He maintains, on the contrary, that "effective education for world peace will perhaps not occur until there is first established a strong international authority" (p. 228).

Dr. May is on the whole cautious in drawing general conclusions, but he occasionally overstates a position. Thus he roundly asserts that "aggressive movements stem mainly from persons who occupy subordinate positions and who at the moment are suffering an unusually bad run of frustrating circumstances with no relief in sight" (p. 166). No one would deny that a sense of frustration is a major condition of aggressive attitudes. But that sense of frustration may be experienced at any level of power and not merely at the bottom. The aggressive itch is not peculiar, as he suggests, to the lowest economic and social ranks. As many instances of aggressive behavior could be cited from higher economic levels as those he offers from the lower. Nor is he on sure ground when he maintains that the more aggressive tendency of the CIO, as compared with the older craft unions, is due to the fact that the former is "composed mainly of unskilled wage earners." There is, for example, the question of aggressive leadership, and there is the strategical difference between the craft basis of union and the industrial basis.

These, however, are minor defects, and they scarcely detract from the general value of the book. Perhaps the best evidence of its truly scientific character is that the treatment of this most timely subject is not in any way deflected by the fact that it was written under war conditions. The author does not hesitate to draw various lessons applicable to specific issues of postwar organization, but there is nothing in his book that he need want to delete or to revise in later days because the psychologist was himself affected by war-time psychology.

R. M. MACIVER.

Columbia University.

Postwar Plans of the United Nations. BY LEWIS L. LORWIN. (New York: The Twentieth Century Fund. 1943. Pp. xii, 307. \$2.50.)

In spite of much writing about the United Nations, there are still gaps in the literature dealing with them. One important gap heretofore has been the lack of a volume surveying the domestic plans of the United Nations. Dr. Lorwin, formerly with the Brookings Institution, the International Labour Office, and the National Resources Planning Board, and author of numerous books, pamphlets, and articles on economic subjects, has written such a survey.

The plans described are not only those prepared by government agencies, but also those formulated by organized groups such as employers' associations, chambers of commerce, labor unions, coöperatives, churches, and political parties. In a sense, they are detailed commentaries on the longings of men for freedom from want and fear. The plans deal not only with questions of demobilization and transition from war to peace, but with long-range problems as well.

Over a third of the book is concerned with Britain and the United States; the other nations receive briefer treatment. Specialists will naturally quarrel with the space allocations (for example, one page to the Chinese Communist party), but there are full bibliographical footnotes for those desiring further information about a particular country. Whether it be the Beveridge Report, the Uthwatt Committee, the Commission to Study the Bases of a Just and Durable Peace, or the various Soviet plans, the author has provided a reference work covering them all.

In a short—perhaps too short—concluding chapter on "Postwar Patterns and Problems," there is an analysis of the common elements and divergences of the plans. While some stress private enterprise and others state action, they all agree that government must increasingly intervene to secure the good life of the future. Dr. Lorwin has deliberately excluded from his discussion plans for international organization and coöperation, but he does not ignore the intimate relationship between national and international planning. He rightly says (p. 298): "The chief limitations of current postwar plans are the conflicting elements in the proposals of the different countries and their lack of coördination with plans for international economic and social organization. The capacity of the United Nations to reconcile these conflicts in their domestic postwar plans will determine the degree of their success in building a better postwar world for all."

Dr. Lorwin has written an interesting, scholarly, and timely reference work, one which is sure to be widely used by all who strive to create a postwar world capable of transforming the Four Freedoms into realities.

ROGER H. WELLS.

Bryn Mawr College.

Russia and Postwar Europe. BY DAVID J. DALLIN. Translated by F. K. Lawrence. (New Haven: Yale University Press. 1934. Pp. 223. \$2.75.)

In this book the author argues that in our war for survival as a democracy we should not overlook the fact that Russia's future plans are expansionist and potent, and that we should not condone so easily her establishment of wide "security spheres" in Europe. The largest portion of the book presents an intelligent analysis of the multitudinous factors affecting Soviet Russia's foreign policy, but its conclusions do not neces-

sarily square with the reasoning advanced by the same author in the same book, and are therefore fraught with danger.

Those who have studied the Soviet situation would both question and challenge Mr. Dallin's sweeping statement: "The Soviet Government has not the least faith in the durability of postwar alliances, in assurances of friendship, or in pacts of collective security. For this reason it seeks, and will seek even more as time goes on, to ensure its interests by means of widening its sphere of influence in Europe, in the territory which separates Russia from Germany and Italy. Recognition by other powers of Russia's right to control these territories is the first aim of Soviet foreign policy in the last stage of the present war. In this war, the Soviet Government, as formerly, sees a combination of two ideas—the idea of defense as expressed in the so-called 'strategic frontiers,' and the idea of expansion of the socialist sphere in Europe. Herein lies the Soviet solution of the problem of Poland, Yugoslavia, Czechoslovakia, and Bulgaria, and next to them, of Rumania, Hungary, and Finland. At the same time, this program also presents a new modernized form of social revolution."

Undoubtedly many newspapers in this country will avail themselves of such conclusions and submit them to the American public as a most indisputable and authoritative presentation of Soviet Russia's foreign policy and its bearing on postwar European collaboration. It is for this reason that one regrets the publication of such statements at a time when an understanding between the governments of Soviet Russia and the United States has as yet not been effected, the Moscow and Teheran conferences notwithstanding.

Contrary to the easy and dramatic theories of commentators, pleaders, apologists, and critics, Mr. Dallin argues that there is a discernible continuity in Soviet foreign policy that is based on the hard facts of economic geography, population, and the rising nationalistic-patriotic spirit which permeates, now more than ever before, the Russian people as a whole. By now, however, it is also evident that the German invasion of Russia brought about a nationalistic cohesion of all the segments of the population unparalleled in Russian history during the past century.

In a sense, *Russia and Postwar Europe* is a continuation of the thesis outlined in the author's previous book, *Soviet Russia's Foreign Policy, 1939-1942*. As the author states, he has undertaken the task of rectifying the notorious statement made by Winston Churchill that "Soviet Russia's foreign policy is a riddle wrapped in a mystery inside an enigma." In this book Mr. Dallin succeeds to a greater degree than in his previous one in bringing his task to fruition.

The volume is a provocative story of momentous importance bearing on American-Soviet collaboration during the postwar period. It is folly to believe, however, that the Soviet government will be willing to effect

a firm alliance with the Western powers affecting the European scene to the exclusion of the Pacific area. Its failure to recognize this is one of the outstanding weaknesses of Mr. Dallin's book, as well as of his previous one.

CHARLES PRINCE.

Indiana University.

America, Russia, and the Communist Party in the Postwar World. BY JOHN L. CHILDS AND GEORGE S. COUNTS. (New York: The John Day Company. 1943. Pp. 92. \$1.25.)

Outlines of the Future; World Organization Emerging from the War. BY HENRI BONNET. (Chicago: World Citizens Association. 1943. Pp. 128. \$0.25.)

The first of these little books was published under the auspices of a commission of the American Federation of Teachers. That it deals with a fundamental and complex problem, none will deny. Intensely conscious of this fact, and naturally sympathetic with the objectives of social democracy, the authors have written a lucid, simple, and very excellent exposition of the question.

Russia, rather than Great Britain, is regarded as the future dominant power of Europe and Asia. Hence the importance of a better understanding between Russia and the United States. Although admittedly difficult, such an *entente* should not prove impossible of attainment. Brief but pertinent chapters are devoted to the Russian revolution, Communist ideology, and Soviet Russia's domestic and foreign policies. This portrayal of Russian backgrounds is vivid, and the characterizations are generally sound.

If the sections on reactions to the present war are less satisfactory, such must be expected. The argument is that the war has caused great changes in the policies and attitudes of both nations. Doubtless both countries, at least temporarily, have abandoned continentalism and isolation and put away certain cherished notions. Whether the United States, however, has permanently discarded imperialism and neutrality and set out on the highway to socialization, is by no means clear.

Despite increasing evidences of Russian-American collaboration, various obstacles remain. One unduly magnified by the authors is the American Communist party and its relation to Soviet leadership. With surprising inconsistency, they bracket that party with all totalitarian organizations and advocate the curtailment of its activities.

Proposals offered regarding the bases for a peace settlement and for future coöperation with Russia are suggestive and well-conceived. Such

a program may be within the limits of human wisdom. Failure to accomplish collaboration with Russia will make certain the third world war of the twentieth century.

In *Outlines of the Future*, Henri Bonnet continues hopefully his studies of international organization and coöperation among the United Nations. Surveying the agencies and machinery thus far developed, chiefly by the United States and Great Britain, he suggests how they could be extended during and after the war. The survey is informative, though necessarily rather legalistic and uncritical. Occasionally the author refers to some of the problems involved and makes helpful suggestions. His outlook is that of the conservative internationalist. Within the limits he sets forth, he has written a useful tract.

G. LEIGHTON LAFUZE.

University of Florida.

The Hidden Enemy; The German Threat to Post-War Peace. BY HEINZ POL. (New York: Julian Messner, Inc. 1943. Pp. 281. \$3.00.)

While we are awaiting announcement of the official policy of the Great Powers toward Germany, considerable numbers of German refugees have presented us with their own solutions of the German problem. *The German People versus Hitler*, *Will Germany Crack?*, *The Legacy of Nazism*, *Exit Prussia*, and many other books from the pens of former participants in the government or life of Weimar Germany have illuminated the complex and difficult subject of Germany. In this latest book by Heinz Pol, which he chooses to call *The Hidden Enemy*, attention is focused on the power and influence of the Pan Germans, the Nazis behind the Nazis, as the author calls them.

Mr. Pol's qualifications to discuss this important subject are based upon his experience as a newspaper man in Germany attached to the *Vossische Zeitung*, to his acquaintance with Maximilian Harden, and to his very extensive study of the Pan German movement, in part through the use of Harden's library of material on that subject. He has succeeded in presenting a very stimulating, even a disturbing, discussion of the powerful, hidden forces which have driven Germany along the path of death and destruction.

The author presents the history and program of the Pan German League and explains the assumptions on which Pan Germanism has always rested. He states the theory of Pan Germanism and points out the many variations from it. He also emphasizes the influence of one Heinrich Class, president of the Pan German League, whose book called *If I Were Kaiser*, published in 1913, Mr. Pol contends, "proves beyond any shadow of a doubt that the principles of Nazism as laid down in *Mein Kampf*

are only imitations of the Pan German originals." According to the author, the Pan Germans dominated the Kaiser, the old Conservatives, the National Liberals, the steel men, and eventually the Nazis. They also "supplied the framework for the rather haphazard aggressive plans of the General Staff." This seems to me to exaggerate their importance.

Many of Mr. Pol's explanations of interconnecting German influences are important. His emphasis on the army is particularly good. "The army," he writes, "has been the backbone of every German régime, under Wilhelm, Weimar, and Hitler; but the backbone of the army and the Navy was and is Krupp." He explains, in turn, how Big Business has underwritten the activities of the Pan Germans. Hitler's recognition of the dominating influence of the army, Mr. Pol underlines by quoting Hitler's speech in 1934, when he said: "The army alone has made possible the success of our work." "Hitler," writes Mr. Pol, "is not the creator but the creature of the German army."

Other interesting points about Germany are raised throughout the book, not the least of which are the author's observations about the inadequacies of the German educational system. But the climax comes in a final, brief chapter where the author calls for "the physical destruction" of not merely the upper crust of the Nazi party and governmental hierarchy, but also of about 150,000 to 200,000 "intermediate" officials of the Gestapo, the Labor Front, etc. He would also segregate and keep under surveillance the millions of members of the Nazi party and deprive them of the right to vote. He would dissolve the officers corps and the police, expropriate the Junkers and other large landowners, reorganize the judiciary, the schools, and the universities, and eliminate all persons who carried on cultural propaganda before 1933. He would also nationalize the key industries.

But who is to carry out this purge of the master race? The Germans, answers Mr. Pol. "This purge will be one of those debts which the German people must settle." Therefore Germany, he thinks, should not be destroyed; but should be made to function normally so that it will not disturb the world.

The book is poorly organized and written. Its plan is neither chronological nor topical. It exaggerates and over-simplifies. But it is very stimulating and suggestive. Its castigation of the Pan German idea and plans would have been more helpful if written by the author in the *Voss* during the days of the Republic. But it is helpful now to have Pan Germanism and the powerful place of the military in Germany reemphasized by a former German who has acquired a better perspective in the free atmosphere of America.

JAMES K. POLLOCK.

University of Michigan.

The Fighting French. By RAOUL AGLION. (New York: Henry Holt and Company. 1943. Pp. 315. \$3.00.)

M. Aglion is a staff member of the French National Committee's Foreign Office, and the publishers have displayed optimism about his book by affixing on the reverse side of the title-page "First Printing." There is "drama" in the breezy journalistic account which deals mainly with the successes of General de Gaulle's movement in the French colonies. For example, Aglion tells us: "On June 16 [1940], the old France died On June 18, however, as nearly as any single event was responsible, France was reborn . . . General de Gaulle's appeal [over the B.B.C.] was the great awakener . . ." (p. 10). Also (p. 58): "By force of circumstance [on June 18, 1940], a single man was trustee of the conscience of France."

A fundamental difficulty is that the subject of the book is not defined. What is meant by "Fighting French"? De Gaulle's *mouvement*? All French *résistance* to the Germans? At one place (p. 51), Aglion tells us that the *mouvement* "lives imperishable in the heart of every true son and daughter of France" This lack of clarity could be a matter of loose thinking or one of design. The anecdotes in Sections 5, 13, 14, and 15, as well as the texts of the "Protest to Pétain and Laval from Jeanneney and Herriot" [from which many words are missing], (pp. 302-303), and the "Protest to Pétain from Professor Basdevant" (p. 304), might be taken by some readers as additional signs of the glory of de Gaulle. To the reviewer, they have another and different significance, as does the letter of General Giraud to his children, written "In Captivity" at Koenigstein (pp. 76-77).

The trusteeship of the conscience of France would appear to be the exclusive possession of no single one of her many sons. If the book is meant to portray de Gaulle's Fighting French *mouvement*, it has important limitations that accompany these excrescences. There is little information on the movement's finances. Its relations to British and American governments, particularly to the latter, are left largely to guesswork. Nor do we get much light on the movement's relation to the "brave men, living and dead," who struggled inside France itself. To conclude this review of Aglion's book—not of the *mouvement*—regret might be expressed at its lack of historical depth, and at the absence of supporting references.

J. G. HEINBERG.

University of Missouri.

Argentine Constitutional Law. By SANTOS P. AMADEO. (New York: Columbia University Press. 1943. Pp. x, 243. \$3.00.)

Santos P. Amadeo is a professor of political science and law in the University of Puerto Rico. A few years ago, he received a fellowship from

the Guggenheim Foundation to enable him to visit Argentina and make a study of Argentine constitutional law, with special emphasis on its development as influenced by the constitutional law of the United States. Now he has published the results of his research in a thin but meaty volume, which should receive a hearty welcome from all students of Latin-American government.

The introductory chapter is a brief sketch of early Argentine constitutional history, and this is followed by a concise analysis of the forces underlying the formation of the constitution of 1853. Then, at greater length, the author considers the Argentine judicial system—the organization and jurisdiction of the federal courts—and the doctrine of judicial review. His conclusions are not particularly novel, but they rest upon a substantial basis—numerous well-chosen citations from the decisions of the nation's supreme court.

Part Two is entitled: "The Division of Powers in the Federal System." First comes an analysis of federal-provincial relationships. Emphasis is placed, quite properly, on intervention—that amazing device by which the national government practically makes itself the guarantor of the honesty of provincial elections and the efficiency of provincial administration, only to destroy, at times, both honesty and efficiency.

There is a brief but enlightening discussion of intergovernmental tax immunities, and then the author turns to a consideration of inter-provincial relationships. He skims lightly over this important subject, and many readers will doubtless wish that he had examined it more intensively. But they must admit that no other writer in English has said so much about Argentine inter-provincial relationships; or said it so well.

The two chapters dealing, respectively, with the powers of the national government and the powers of the provinces provide a good summary of the jurisprudence relating to the constitutional distribution of powers. As usual, Professor Amadeo bears in mind the opinions of the Supreme Court of the United States, and contrasts them with the decisions of Argentina's highest tribunal. The parallel is close, because the Argentine supreme court pays respectful—though by no means subservient—attention to the judicial pronouncements of its northern neighbor.

The final section of the book is entitled "Protection of the Individual." It deals with this broad subject under three main chapter heads: "Criminal Procedure"; "Personal Freedom and Liberty of the Mind"; and "Economic Interests." The Argentine constitution devotes considerable space to the enumeration of individual rights such as trial by jury (a guarantee which Congress has refused to implement with necessary supporting legislation), freedom of the press (which virtually disappeared under the Ramirez government), and freedom of worship (which has not prevented the establishment of a state religion). Professor Amadeo is very much concerned about the opinions of the supreme court as to the exact

meaning of these various guarantees—what they include and when they apply. He cites supreme court cases by the score. But he is less interested in determining what protection is actually afforded by the constitution and the supporting laws.

In fact, the one major criticism of the entire volume is that it tends to divorce constitutional theory from reality. It seldom probes behind the words of the Argentine supreme court to learn whether they coincide with the facts. Thus in discussing the method of selecting the chief justice of the highest court, it makes the bald assertion that "the practice by which the president appointed the chief justice was abandoned in 1930 when the supreme court itself assumed the power of appointing its chief justice," and cites a supreme court resolution in support of this statement (p. 52). The highest tribunal did in fact adopt a resolution solemnly asserting its power to name its own presiding officer, but shortly afterwards the president of the nation ignored this resolution and made his own appointment. It happened that he named the very person already chosen by the supreme court, so a conflict was avoided. But it can scarcely be said, with accuracy, that the practice of presidential appointment has been abandoned.

Professor Amadeo's preoccupation with theory has caused him to make other misleading statements also, such as his assertion that "direct taxes have seldom been imposed by Congress, and the field of direct taxation has been left to the provincial legislatures . . ." (p. 132). He correctly cites the constitutional limitation on direct taxes, and further supports his position with a reference to a work on constitutional law published by a distinguished Argentine jurist in 1931 (one year before the income tax became an established part of the federal revenue system). But he never indicates that the constitutional limitation is a dead letter; in fact, he refers to the income tax only indirectly, and in a preceding chapter (p. 101).

The volume concludes with a five-page summary, a two-page bibliography, a thirteen-page table of cases (including both Argentine and American decisions), and a seven-page index. The author's style is clear, and the entire volume bears evidence of careful workmanship. It may not be the last word on Argentine constitutional law, but in all probability it will stand as the accepted authority for a number of years.

AUSTIN F. MACDONALD.

University of California.

El Federalista. TRANSLATION AND INTRODUCTION BY LIC. GUSTAVO R. VELASCO. (México, D.F.: Fondo de Cultura Económica. 1943. Pp. xxvi, 446.)

In 1840, a Portuguese edition of *The Federalist* appeared in Rio. This was followed by two Spanish editions published in Buenos Aires, the

first in 1868 by J. M. Cantilo, the second by Dr. Ildéfonso Isla in 1887. All appear to have been published in very limited editions, as copies are rarely accessible either in Latin America or in this country. Consequently, this American classic, like so many features of the life and culture of the *Norteamericanos*, continued to be known to our Latin American neighbors primarily through the earlier French editions. The appearance of this Mexican edition is thus an important event, and we should be complimented that this Yankee treatise has been included by the Fondo de Cultura Económica in its series of political science classics published under the editorship of Sr. Manuel Pedrosa.¹ The Fund made a happy choice of translator in Lic. Velasco, a leading attorney of Mexico City and professor of administrative law at that capital's remarkable Escuela Libre de Derecho, who is thoroughly acquainted not only with our language but with our history and institutions as well. The translation thus escapes most of the pitfalls that so unceremoniously duck the linguist who has ventured beyond his depth.

The introduction makes no effort to belittle the shortcomings of the original text, written in such haste that lack of organization and frequent repetition would have been inevitable even had there been but one author instead of three, nor to over-emphasize the quite minor rôle that these articles played in the struggle to secure the adoption of the Constitution, even in the state of New York. The translator's justification for presenting this book to the Latin American public is not its historical importance, but its contemporary value as a key to the understanding of a political system that most Latin American countries have attempted, at least in part, to imitate, and as a refreshing defense and exposition of a way of life that today struggles successfully against a challenge from "a form of absolutism one hundred times worse than that which was defeated twenty-five years ago" (p. xxiii). The problems that the principles championed by *The Federalist* attempted to solve, we are told, "are as serious and vital today as in the epoque in which the Constitution of the United States was born" (p. xxvi) and as urgent to the Latin as to the Anglo-Saxon American.

In addition to stating the translator's views on the importance of *The Federalist*, the introduction summarizes the conditions that led to the writing of the treatise, and gives brief biographical sketches of Hamilton, Madison, and Jay.

J. A. C. GRANT.

University of California (L.A.)

¹ Previously published translations include Hobbes' *Leviathan*, Locke's *Essay on Civil Government*, Milton's *Aeropagitica*, More's *Utopia*, and a selection of Burke's political writings.

La Pensée Politique du Président Getulio Vargas. COMPILED BY HANS KLINGHOFFER. (Rio de Janeiro: Imprensa Nacional. 1942. Pp. 593.)

While God's mills grind slowly and exceedingly small, the apposite installations of the Brazilian government work even somewhat slower; but the size of the product is respectable. It was only a few weeks ago that this writer received a copy of this handsome book, sent to him by the Brazilian Department of Press and Propaganda, the famous D.I.P. No card with compliments was attached, a fact which the addressee did not fail to understand, since the D.I.P. prohibited sale and circulation in Brazil of his own effort to describe objectively what he had seen of Vargas' *Estado Novo*, in his book *Brazil Under Vargas* (New York, 1942). But he did not look the gift horse in the mouth, well aware of the subtle ways employed by the D.I.P. to make him familiar with the officially approved report on the Vargas régime.

As the preface indicates, the volume is written "with the efficient help of this High Brazilian Administration" by Dr. Hans Klinghoffer. The material is taken from the official publication of Vargas' public addresses from 1930 to 1942, which by now must fill a score of stately volumes. The compiler has undertaken the valuable and praiseworthy task of bringing this prodigious output of state oratory into a logical system; and, thanks to the "unity and homogeneity" of the "political ideology" of "the glorious government of this great statesman," he is able to present a complete and exhaustive panorama of Brazil today. The "political ideology" is grouped in fifteen sections, among which are: The Art of Governing; Brazilian History; The New State; Organization of Public Powers; Economic Life; Capital and Labor; Demographic Problems; Education; National Defense; The Enemies of the Nation; and International Life.

Since no other living being ever has waded through the flood of speeches of a robust orator and formidable producer of governmental externalization, we have now at our disposal authentic statements on practically all aspects of the Vargas state, a sort of *Mein Kampf* in reverse. But it would be unfair to drive the parallel further, since Vargas, even if his ghost writers remain anonymous, as they should, has sound opinions on many subjects. The volume reflects the mature political experience of twelve years of power, during which Brazil has made immense strides forward. It is obvious, however, that authoritarian semantics have to be properly appreciated. When Dr. Klinghoffer says (p. 157): "The essential characteristic of democracy consists not in a rigid formula but in flexibility which permits it to adjust itself to new conditions," nobody would argue except that his and our concepts of democracy differ. More objectionable is the statement (p. 158): "The régime instituted on November 10, 1937, is democratic; the essential elements of the democratic system

are maintained; its republican and presidential form remain in force?" The oracle indulges here, as every quick-witted Brazilian knows, in a *jeu des mots*. Republican government need not be democratic, and the representative *character* of a state is expressed by representative *institutions*, which are conspicuous by their absence. But on many less controversial subjects the reader will find valuable information on the wide range of what the government has accomplished for the country. After all, an authoritarian government professes to be judged by its deeds and not only by its words.

There remains one more point, even if of minor interest. Who is the compiler, ardent admirer of Vargas that he is, and unenviable performer of this laborious task? This writer's memory was refreshed by a bit of research. A young Austrian lawyer by the name of Hans Klinghoffer had begun to earn his spurs before 1933 with solid papers on such subjects as the parliamentary form of democracy and the referendum in the democratic state, in German and Austrian law journals and, of all places, in the official organ of German pacifism, the *Friedenswarte*. Query: Why this transmutation of the democratic Paulus into the authoritarian Saulus?

KARL LOEWENSTEIN.

Amherst College.

Collective Security; The How and Why. BY JOSEPH H. BALL. (Boston: World Peace Foundation. 1943. Pp. v, 63. \$0.50.)

Can We Win the Peace? BY D. F. FLEMING. (Nashville: The Broadman Press. 1943. Pp. 112.)

Amid the abundance of undocumented literature now appearing on the problems of the peace, the two publications listed above are distinctly of the better and the worth-while type. They stand out as real contributions to our thinking on postwar subjects, among many authors who assume that anyone these days is an authority in the international, political, and legal fields.

The first book is the result of extended journalistic experience, together with considerable political experience. The author of the Senate Resolution which has offered the most constructive peace program to the American people has, in a brief volume, set forth his views on the major international problems of the hour.

In Part I, "The Why," he deals with the issues in this war; with the fallacy of winning the war first and constructing the peace afterwards and with the equally fallacious tendency to over-complicate the problem of peace; with democracy's stake in collective security; and with America's stake also. In Part II, "The How," Senator Ball presents the case of alliances versus organization, defines the minimum international authority necessary to maintain peace, argues for action now by the United States,

analyzes Senate Resolution 114, and finally mentions related problems, as trade, food, and dependencies.

It is true that the Senate Resolution committing that body to international organization and to definite measures to deal with aggression does not bear Senator Ball's name. Nevertheless, his own resolution, sponsored also by Senators Hill, Hatch, and Burton, did much, along with the provisions of the Moscow Declaration, to prevent the formal action of the Senate from being another "pious gesture." This book sets forth the author's interpretation of his Resolution. He wisely limits himself to the major problem before the world—the prevention of future wars and of future aggression by means of a system of collective security. The right to wage aggressive warfare is the only sovereign right which must be renounced. The only sovereign obligation to be assumed is to join in collective action against aggression, whether actual or threatened. The simplicity, directness, and frankness of approach affords a welcome relief from much of the "peace literature" of our day, overweighted as it is with legal jargon and other ponderous language.

The second volume is by a leading scholar on the history of America's relations to world organization, and on the rôle of the Senate in treaty-making. Four lectures given before the Southern Baptist Theological Seminary are here reproduced under the titles: 'Shall We Lose the Peace Again?'; "Can We Create a Workable Economic Democracy?"; "Ways Out of War," and "Steps Toward Peace."

Three irresistible world trends, declares Dr. Fleming, are (1) the control of the world by those who control air power, (2) the economic unification of the world, and (3) the tide of economic democracy. As regards the first, isolationist politicians and a reactionary Senate minority must not be allowed to interfere with essential organization and control, and with necessary American participation. As regards the second, the resources of the world must be open to all, which is the best answer to any nation's dream of *lebensraum*. As regards the third, democracy must and will mean the right of all to have a say, not alone in government, but in industry and matters of property as well, including the right to enjoy the fruits of the economic order.

Among the "musts" of the world order to come, Dr. Fleming lists a world federation strong enough to keep the peace; coöperation of the English-speaking world, China, and Russia as the foundation of that order; the right of all states to their legitimate stake in the new order; the necessity of providing for peaceful change and of repressing aggression; and the permanency of the future world organization.

The ways out of war are said to be unconditional surrender; the just punishment of the guilty; legitimate German repair of war damage without repeating the Reparations fiasco of the last war; the reëducation of

the enemy; the wise determination of boundary and territorial questions; the adoption of a constructive attitude toward different political and economic systems; taking advantage of the lessons of the League of Nations; and a proper handling of the problems of power and responsibility.

In the final chapter the author stresses the obstacles which stand in the way of a stable peace. They are, among others, high tariffs, the danger of terminating lend-lease, imperialism, racial bigotry, a revived fascism, a threatened balance of power, and the short time remaining to organize the United States into a permanent force for peace.

The wide scope of the subjects and the paucity of space give an occasional appearance of a hortatory rather than an experienced approach to the problem. But this is only an appearance. No important subject is omitted, and all are treated comprehensively and soundly, even though briefly.

The importance of both books is not lessened because of their brevity and timeliness. Doubtless they will form a part of what will become the "Federalist Papers of the Peace," and will occupy a respectable and authoritative place among them.

CHARLES E. MARTIN.

University of Washington.

Trading with the Enemy in World War II. BY MARTIN DOMKE. (New York: Central Book Company. 1943. Pp. xv, 640. \$10.00.)

This volume represents an important contribution to the literature on techniques and legal aspects of economic warfare. The extent of the problem, from the point of view of the United States, appears from the fact that in the First World War the public agency took into custody property to the value of half a billion dollars, while in the present one blocking measures apply to assets valued at more than seven billions (p. 253). With a wealth of citation, Dr. Domke offers a comparative study of national law provisions, particularly those in the United States, Germany, Great Britain, France, and the governments-in-exile. He shows that the principal Allies, having first used "freezing" controls as defensive weapons, eventually found in them important offensive weapons (pp. 38, 297, 321).

The student of government, as well as the practicing lawyer, will find in the volume much instructive material. There are frequent references (as at pp. 4, 46, 145, 263, 297, 381) to the "ever-changing" conditions which attend economic warfare. Of importance is what one court described as "a realistic regard for the speed and hazards of lightning war" (p. 113). The author stresses the far-reaching nature of action which public authorities may take (even, for example, as to property of resident American citizens), the tendency toward greater flexibility in adapting

measures to new situations, and the trend toward dependence upon administrative determinations, as distinct from purely judicial ones. Giving attention both to the criteria for determining enemy character and the devices used against the property brought within this description, he suggests that distinctions based upon nationality (merely) "vanished with the changes in ideological concepts which led to this war" (p. 112). Old concepts of "enemy," "ally of enemy," and "legal title" in an enemy, he thinks have become outmoded (pp. 263, 371). He notes some uncertainty as to the constitutionality of the Trading with the Enemy Act, particularly its provisions concerning remedies (p. 262). He mentions certain legislation of the states of the American Union as figuring in connection with the work of the Alien Property Custodian and in reciprocity concessions to nationals of foreign countries (pp. 143, 316). Looking forward to the final international settlement of public questions relating to property, the author envisages in a general way new forms and new systems of legal and economic settlement.

In his chapter on "Patents, Trademarks, and Copyrights," Dr. Domke draws attention to the fact that multilateral treaties on these subjects were not abrogated by the outbreak of war. He observes that the final policy of the United States on these matters has yet to be determined by Congress. The economic significance of measures taken has not, in general, been the subject of his inquiry. Many of the questions raised relate to the conflict of laws or to public international law. In connection with the latter, there will doubtless be considerable disagreement with the statement, unless it be somewhat modified, that "international law . . . permits property of alien enemies to be seized without due process and converted to public use without compensation" (pp. 269, 294).

There is definite value in such a careful technical study made even during the war, when the record of action and decisions is necessarily incomplete. The usefulness of the present volume is increased by the inclusion of the text of the United States Trading with the Enemy Act as amended prior to May 1, 1943, texts of similar legislation in Great Britain and in some of the Dominions, and texts of the more important orders and rulings in the United States. There is a table of statutes and regulations, a table of cases, and a subject-index comprising sixty-three pages.

ROBERT R. WILSON.

Duke University.

Studies in Government and International Law. BY JAMES WILFORD GARNER. EDITED BY JOHN A. FAIRLIE. (Urbana: University of Illinois Press. 1943. Pp. viii, 574. \$7.50.)

"This volume," says Professor Fairlie, "has been prepared to bring together and make more accessible a selection of Professor Garner's extensive publications (other than his major works), on a wide variety

of topics in the major fields of government and international law, and as a memorial of his important contributions in these fields, and of his services in the development of the department of political science at the University of Illinois for a period of thirty-four years." A short biography, very appropriately including an account of the development of political science at the University, is followed by a twelve-page list of Professor Garner's publications. The bulk of the collection comprises reprints of eleven studies in government and seventeen studies in international law, published between 1901 and 1938.

James W. Garner was a professor of political science in the grand style, the style of the "publicist." One catches something of the tradition of Francis Lieber, to whom every public question was an invitation to systematic analysis with a view to suggesting practical improvements. This was easier in the years before the First World War, when for Americans the greatest questions of politics and government seemed settled, and a publicist might properly limit himself to the consideration of mechanisms and methods. Some earlier studies such as those on "Crime and Judicial Inefficiency" (1907), "Executive Participation in Legislation as a Means of Increasing Legislative Efficiency" (1914), and "Administrative Reform in France" (1919) reflect such a mood.

World War I caused Garner to turn almost his whole attention to international law, as a means of world salvation. The lad born in later Reconstruction days in Mississippi had reason to detest the devastation of war and its legacies which he had described so well in his earliest writing. With a great zeal for righteousness, he set himself the task of pointing out the unpostponable need for better international law and institutions—a need, however, which was always demonstrated by a thorough examination of detail. What was the principle? Whence had it come? How had it worked? What were the pitfalls? How reform it for the future? How give it life in institutions? General and technical problems alike are dealt with in such essays reprinted here as "The Study of International Law in the Countries of America" (1917), "Responsibility of States for Injuries Suffered by Foreigners within Their Territories on Account of Mob Violence, Riots, and Insurrections" (1927), "International Regulations of Air Warfare" (1932), and "*Les Lois de la Guerre, leur Valeur, leur Avenir*" (1930).

No printed page can do justice, however, to Garner the evangel. Basing his views firmly upon human experience, he preached that justice is the greatest need and the loftiest aspiration of man. Although time pressed him, few students could have left his lecture-room or hospitable fireside without refreshed allegiance to a better world.

LLEWELLYN FRANKUCHEN.

University of Wisconsin.

A Professor at Large. BY STEPHEN P. DUGGAN. (New York: The Macmillan Company, 1943. Pp. xviii, 468. \$3.50.)

The new world order for which men today work and die must rest finally upon mutual understanding and respect on the part of the people of all nations. This will not be achieved by legislation or treaties or even by war, but by a vastly increased and deliberate program of international education based in large measure upon principles similar to those which have guided the Institute of International Education. Such a program, however, can no longer rely upon the limited and accidentally available resources of private donors. It must be openly supported and sponsored by public authority. Nor can it be limited to the necessarily small and select audiences reached by the Institute and similar private agencies. It must rather be attuned to the conditions and needs of mass education.

The rich experience of the Institute and of America's self-styled "Professor at Large" in directing one of the more important international educational projects of the interwar period should be carefully studied in making any future plans. Few Americans have been privileged to be as close as Dr. Duggan to the development of organized efforts to increase public concern for and interest in international affairs. As director of the Institute, he has been in the midst of the host of activities which sprang up immediately following the First World War. The United States had attained recognition throughout the world for its part in the winning of the war, but many of its citizens knew that it would not live up to its responsibilities without an increase in public understanding of international affairs. Dr. Duggan worked intimately with most of these groups and was a member of many, as his first two chapters narrate.

Because he so vigorously personified the underlying philosophy of the Institute, Dr. Duggan was in large measure responsible for the worldwide recognition of United States interest in the exchange of students and scholars. His own travels were an essential part of the Institute's important program of furthering international understanding by cultural interchanges. The bulk of the volume consists of personal impressions of the mutual influence between various countries and the United States. The comments are revealing both of the fundamental problems faced in this kind of program and of the understanding of the Director.

WALTER H. C. LAVES.

U. S. Bureau of the Budget.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The scope of *Wartime Government in Operation* (The Blakiston Co., 1943, pp. 109, \$1.50), by W. H. Nicholls and John A. Vieg, is somewhat

narrower than the title indicates. The authors, an agricultural economist and a political scientist, have collaborated in an essay on the wartime management of food and labor problems in this country, their principal objective being "an examination of the governmental process itself in order to see more clearly the governmental factors behind the wartime manpower and food programs and the changes that might lead to improvement." After summarizing the development of labor policies, the authors go "Behind the Wartime Labor Programs" (Chapter 3) to show that control of labor has been treated as primarily a matter for the executive, that there has been lack of clear-cut authority in the administrative agencies, and that because of the dominance of pro-labor representatives in the House and Senate Labor Committees, Congress has been unable to take positive leadership in this field. With respect to food production and price control, Congress has had the initiative, but by its insistence on the "parity" formula has hampered the development of a satisfactory wartime program. Behind the wartime food program is the predominance of rural interests in Congress, especially in the Agriculture Committees. The result of this "polarization of the labor policy in the Executive branch and of farm and food policy in the Congressional branch" is that Congress is subject to the pressures of special interests without possessing the leadership within itself to subordinate them to the national interest. The President has been put in the position of appearing to favor one special-interest group, organized labor, and so has lost his potential position as representative of the general public interest. The authors urge an attempt on both sides to cooperate so that major policy decisions should be their joint product. As an aid to this, they recommend that the Office of War Mobilization be more active in preventing administrative confusion and that Congress establish a Joint Committee on the Conduct of the War to furnish more definite liaison with the executive.—DAVID O. WALTER.

In *Lend-Lease, Weapon for Victory* (Macmillan Co., 1943, pp. xiv, 358, \$3.00.), the former Lend-Lease Administrator, Edward R. Stettinius, Jr., tells the story of lend-lease from its beginnings in the arms transactions with Great Britain after Dunkirk and the destroyer-for-bases deal through the enactment of the lend-lease law and its administration to near the end of 1943. As suggested by the title, this is not a critical study of lend-lease, but a record of its accomplishment as an instrument of victory. It is intended for the layman, and the pages are interspersed with photographs and graphic presentations. Its value lies in the occasional touches in which personal experiences of the author are related, and in the fact that it brings together in a single volume the various aspects of lend-lease. The legal questions in the destroyer deal are met by a sum-

mary of the argument of Attorney-General Jackson and the statement of the President; legal aspects of the lend-lease act are treated almost as simply; and one could not well expect a severe criticism of lend-lease administration. Neither can there well be at this time a full catalogue of lend-lease materials with amounts for each area. However, the history of material aid, told in its relationship to events, makes a dramatic story. There are sections on aid to the British, the Chinese, the Russians, and the undefeated of the invaded countries. Some stress is laid on reverse lend-lease, and the fact that British aid includes services such as transportation and convoy protection, as well as the transfer of large amounts of tangible goods. It is emphasized that the reciprocal aid of the Allied Nations is a contribution to the common effort rather than a business deal. The Lend-Lease Act, the Russian Master Lend-Lease Agreement, and the Reciprocal Aid Agreement with the United Kingdom are appended.—W. REED WEST.

Robert S. Ford and Marvin A. Bacon, in *Michigan Highway Finance* (Bureau of Government, University of Michigan, 1943, pp. viii, 191, \$0.75), relate the familiar story of the development of a state highway system, with particular emphasis on fiscal policy. In this case, the state is Michigan, but in general outline it might be almost any other state. Here we see the evolution from a few scattered and unimproved roads to a highway system embracing more than one hundred thousand miles, of which nearly ten thousand miles are classified as "state trunk lines," and all forming, in a sense, a part of a national highway system; an evolution in finance from the construction and maintenance of highways largely by labor performed in lieu of the payment of taxes to the expenditure of more than one hundred million dollars for construction and maintenance in a single year; and from a system of county and township responsibility for both support and administration to a more or less integrated system in which the local, state, and national governments all participate. Similarly, the story is told of the attempts to arrive at an equitable apportionment of highway costs, not only as between the different levels of government, but also as between users and other beneficiaries of the highways. Thus we find a gradual diminution of the share of the burden borne by statute labor, by property tax levies, and by special assessments, along with corresponding increases in the share borne by motor vehicle owners through the payment of gasoline taxes and motor vehicle registration fees (mileage taxes). Consideration is given also to the search for an equitable allocation of costs to different classes of vehicles, such as passenger cars, busses, and trucks of different weights and capacities, in an attempt to relate registration fees for such vehicles to the costs occasioned by their use of the highways. This study is No. 12 in a series of governmental

studies conducted by the Bureau of Government of the University of Michigan, and it maintains the high level of competence in research and objectivity in presentation which has been established by previous publications in the series.—ROGER V. SHUMATE.

Casimir W. Ruskowski's publication, *The Constitutional Governor* (Boston: Bruce Humphries, Inc., 1943, pp. 61, \$2.00) is a compilation of the provisions of the several state constitutions relating to the office of governor. In addition to the brief text, the study presents a series of ten charts in which the author has attempted, for the purpose of comparison, to reduce these provisions to tabular form. An examination of the text and charts reveals in the case of Michigan several inaccurate, or at least incomplete, statements of fact. Michigan is not included among those states which provide for popular recall (p. 32). Chart VI (pp. 34-35) is incomplete in that (1) the governor of Michigan calls special sessions of the legislature by proclamation, (2) the legislature is limited by the proclamation or by subsequent messages, (3) the governor shall inform the legislature on "the condition of the state," and (4) he shall "recommend such measures as he may deem expedient." Further, the text is inaccurate, incomplete, and confusing in reporting the removal powers of the governor in Michigan (pp. 46-51). In short, the study provides a sketchy, incomplete, and in part inaccurate, portrayal of the "constitutional governor" in this state. I have not checked the provisions of any other state. The author's commentary is limited both in scope and in usefulness. "The work," the author says, "is not footnoted or annotated. The constitutions of the various states are easily available in any good library, and especially in a good law library" (p. 14). A short but revealing bibliography is appended. This bibliography (averaging a little over two items for each state) is in two parts: revised, compiled, etc., laws of the several states, and "pamphlet publications." Of these items, many are presented without publication dates; forty-one carry publication dates of 1933 and earlier; and only seventeen bear evidence of publication later than 1938.—HAROLD M. DORR.

Perennially one hears criticism of alleged governmental extravagance in the printing and distribution of documentary materials. In *The United States Government as Publisher* (University of Chicago Press, 1943, pp. xv, 179, \$2.00), Leroy Charles Merritt presents in general outline the facts regarding publication operations of the federal government over the period from 1900 to 1940. He has analyzed selected issues of the *Monthly Catalogue* of the Government Printing Office through this period, and has tabulated the items therein as to issuing agency, subject-matter, and purpose. From these statistical materials the author draws some

interesting and enlightening conclusions regarding trends and developments in publication policy. Methods of distribution are also surveyed briefly, and criticized. A salient point revealed is that, while total governmental printing costs rose from about four million dollars in 1900 to twenty millions in 1940, expenditures for printing now constitute only about one-fourth of one per cent of the total operating costs as compared with nearly one per cent in 1900. The author seems to feel that; on the whole, too little rather than too much is being done by the government in this field, in view of its responsibilities for informing the public adequately concerning its operations and for making available to those interested the results of its research.—J. E. KALLENBACH.

The American Story of Industrial and Labor Relations (N. Y. State Joint Legislative Committee on Industrial Relations, 1943, pp. xx, 315, \$1.50) is noteworthy for its source as well as its purpose and achievement. Publication of a high school text-book in industrial relations by a state legislative committee is somewhat of a novelty. However, the New York "Ives Committee" saw it as part of its job, believing that legislation and administration in the field of industrial relations cannot "rest on stable and lasting foundations" unless all citizens, "young and old alike, both workers and employers . . . share a common understanding of the true character of these relations." The text uses the historical approach; describing the gradual industrialization of America, it shows how the growth of a wage-earning class gave rise inevitably to the many problems of labor organization, labor relations, and labor law. The book appears the best attempt to date to make labor law comprehensible and significant to high school students. However, it is close packed and by no means easy reading. A very competent teacher, well grounded in the subject, with plenty of class-time for amplifying and discussing the text, will certainly be needed in order to get this material "across." Labor relations are now immensely important in the lives of a large proportion of the citizens of many states. Hence it seems highly desirable that a place be found in the high school curriculum for the careful study of such a text as this. The special New York data included need not detract from its usefulness elsewhere. Rather, New York laws can be used for valuable comparison with the laws of the home state.—ELIZABETH BRANDEIS.

In Race and Rumors of Race (University of North Carolina Press, 1943, pp. x, 245, \$2.00), Professor Howard W. Odum, the South's most eminent sociologist, discusses his region's most acute social problem with rich sympathy and understanding. This study is based on a wide survey of rumors and incidents that appeared in the South from July to July, 1942-43. It is thus a new inventory, taking a clear account of the impact

of the war upon race relations. It differentiates between actual happenings and false rumors of happenings, but also portrays the reality of tensions which gave rise to the rumors. Attention is given to the social attitudes of Negroes, Southern whites, and Northern whites, with an abundance of illustrative detail gathered from a mass of verified reports. Attention is given to the press, including Negro papers, and to the forces of education. Significant Southern conferences on race relations in wartime are passed in review. The author is in the center of these activities, and knows whereof he speaks. He writes with a combination of balance, warmth, and liveliness. He offers no sure solutions. As to the way out, he is interested "... in the search for the correct answers . . . through scientific and coöperative endeavor . . ." He takes the reader for an exploratory and hortatory journey on winged words.—H. CLARENCE NIXON.

A Guide to Published Data for Cities of the United States (Bloomington, Indiana, Bureau of Governmental Research, Indiana University, 1943, pp. 48), by Pressly S. Sikes, and a second edition of Clarence E. Ridley's and Herbert A. Simon's *Measuring Municipal Activities* (Chicago, International City Manager's Association, pp. xiv, 75, \$2.00) have appeared. The latter reviews progress in measurement studies and refers to the literature which has been published since the first edition in 1938. An excellent eight-page bibliography lists the studies which have been issued in the last five years. In the main, the study is a republication of the earlier edition. Following an introduction and two excellent chapters on measurement techniques, eleven major municipal functions are selected for special attention. The value of measurement studies for the policy-determining agencies of government, or even for citizens' organizations, is not overlooked by the authors, who remind us that "service adequacy is distinctly a policy decision . . . and since it involves social and political values as well as technical considerations, it is not a decision which can be delegated solely to the chief administrator." Professor Sikes hopes his guide will assist in locating the source of published statistical data on virtually any municipal subject of national interest. It will call to the attention of research students material which should be consulted.—S. GALE LOWRIE.

The Public Administration Review has presented another pamphlet designed to guide municipal thinking and planning by local officials and "home-folk." In *Action for Cities; A Guide to Community Planning* (Public Administration Service, 1943, pp. 77), a guide to community planning is presented. The publication tells of work that undoubtedly would have been reported on by the National Resources Planning Board had Congress not decreed otherwise. The NRPB supplied the technical aid.

to three cities—Corpus Christi, Texas; Salt Lake City, Utah; and Tacoma, Washington—which developed their own programs and recommendations for meeting the war and postwar situation. The topics suggested are the usual city planning topics. Procedures and methods are suggested for developing plans including the entire scope of community objectives. However, the pamphlet emphasizes a sound note. Its closing chapter calls for an analysis of responsibility for putting into effect any programs adopted. This matter of how to effectuate plans could be stressed even more without detracting from the value of suggestions on the formulation of those plans. The guide is not a manual or a textbook, but a topic outline of procedures that will help those whose interest has already been stimulated. The range of subject-matter covers the physical plant, over which a local community could exercise much control, as well as its economic future, over which the community has little to say.—THOMAS K. VASEY.

Almost equally with historians, students of American government will find it worth while to have at their elbow Clifford L. and Elizabeth H. Lord's *Historical Atlas of the United States* (Henry Holt and Co., 1944, pp. xviii, 253, \$1.75). Some of the maps have appeared elsewhere, e.g., in the Census reports and in certain editions of the *Statistical Atlas of the United States*, but by far the greater portion have been specially prepared for the present publication. A general series depicting the country's physical features is followed by extensive historical sections devoted, respectively, to the colonial period, the period 1775–1865, and the period 1865–1941, with a final group of "world maps"; and among matters covered in some detail are the extension of suffrage, the ratification of constitutional amendments, the distribution of courts, the extension of highways and air-lines, and the status of child labor. One of the several appendices is devoted to the statistics of presidential elections, and there is a full index.—F.A.O.

FOREIGN GOVERNMENT AND POLITICS

In *Public Service Recruitment in Australia* (Melbourne University Press, 1943, pp. 296); Robert S. Parker presents a comprehensive analysis and appraisal of Australian methods and standards in civil service recruitment technique. Parts I and II, although essentially factual, are interspersed with critical comments and make available a wealth of data on the recruitment systems of both the Commonwealth and state services. In Part III, the author presents a summary of his criticisms and outlines constructive proposals for the improvement of recruitment procedure. Although he finds that for the most part the framework of a sound recruitment system has been established, he is also convinced that "within the framework of principles there is much room for refinement and im-

provement of technique; and outside that framework, it may be that new principles can be found to add to it." Most disconcerting to the author is the general apathy and complacency so widely prevalent among public service commissioners respecting existing recruitment practices. Manifestations of this attitude he finds in the reluctance to experiment, an unwillingness to explore and to study even the possibilities of improvement, the failure to adopt more progressive policies for the selection of administrators, and a total unawareness of the vital importance of psychology for recruitment. Since the Australian services are closely geared to the educational system (except at the university level), and are, therefore, largely at the mercy of that system, the study logically emphasizes a critical evaluation of the educational program of today in its relation to public service recruitment. The author's acute and intelligent analysis of this problem deserves the careful attention of those concerned with recruitment methods and those responsible for educational policies. A final chapter gives extended consideration to and makes a strong plea for an administrative *cadre*. In spite of its limitations, the recruitment system, he concedes, does fairly well in staffing the higher clerical and lower executive positions, but is definitely inadequate in providing personnel of superior quality for the higher administrative positions. After discarding the English method of staffing executive offices as unsuitable for Australia, the author outlines a series of schemes or procedures which he believes would in combination achieve his objective. Particular weaknesses to be overcome in the present system are the exclusion of persons with higher education from initial recruitment to the administrative branches of the services (except the Commonwealth service) and the fact that officers mostly have to go through the mill of routine work for years before attaining a position of responsibility. The proposals outlined aim to establish "a clearly-defined administrative *cadre*, whose members are protected from the stultifying effects of inappropriate work, but whose ranks are open to, and attractive of, the best available potential administrative talent from inside, and to a limited extent from outside, the service." Although the study closes in a pessimistic vein, the author's stimulating presentation should provoke thinking and action along progressive lines.—MARTIN L. FAUST.

The "Princeton Studies in History" start auspiciously with Dr. C. E. Black's *The Establishment of Constitutional Government in Bulgaria* (Princeton University Press, 1943, pp. x, 344, \$3.75). Beyond giving an excellent historical account of an important period in Bulgarian history, the years 1878-1885, this volume is of importance for contemporary political thought in three different respects. First, it shows the problematical character of constitution-making according to abstract principles

instead of the distribution of social and political forces, upon which the vitality of the constitution will depend. The Bulgarians obtained a constitution which was regarded as the most liberal of its time, in the same way in which in 1919 Germany and Austria, and in 1931 Spain, created constitutions which were hailed as perfect from the point of view of abstract principles—but did not work. Second, the book illuminates the political consequences which result from the antagonism between a democratic popular movement and a conservative prince who owes his position as monarch, not to the will of the people, but to the decision of foreign dynasties. Finally, it sheds light upon the problems of a small nation which stands exposed to the conflicting aspirations of big powers. These are indeed timely problems, and the author deals with them in an often brilliant and always highly competent fashion. This is indeed an historical and political study of the first order.—HANS J. MORGENTHAU.

Compiled by the Chinese Ministry of Information, and edited by a board headed by Hollington K. Tong, the *China Handbook, 1937-1943* (American edition, Macmillan Co., 1944, pp. 376, lxxv, xv, \$5.00) affords a comprehensive and extremely useful survey of major developments in China during six years of war. The original edition came off the press in India in 1943, and was flown to Chungking in time to make its appearance at the sixth anniversary of the outbreak of war in 1937, and certain developments during the interval since that date, e.g., the death of President Lin Sen, are noted in the American edition in order to bring the survey completely up to date. Succeeding volumes are promised, although not necessarily to appear annually. In a series of twenty-five chapters, one will find covered practically all of the topics—political, economic, and social—commonly dealt with in national yearbooks, with the chapters on the Kuomintang, governmental structure, foreign relations, public finance, courts and prisons, and military affairs likely to prove of largest interest to political scientists. Texts of numerous party, governmental, and other public documents are included, and there is a full array of statistics. There are also digests of the writings of Dr. Sun Yat-sen; and Westerners using the book will find a seventy-five-page Chinese "Who's Who" a particularly helpful feature.—F.A.O.

INTERNATIONAL LAW AND RELATIONS

Harold Ettlinger, foreign correspondent of the *Chicago Sun* and author of a newspaper column of the same title, has assembled in *The Axis on the Air* (Bobbs-Merrill Co., 1943, pp. 318, \$2.75) some of the materials of Axis radio propaganda and has formulated therein his own conclusions concerning the subject. The broadcasting organizations, activities, and policies of the German, Italian, Japanese, and certain satellite Axis

governments, as well as the counter-propaganda efforts of the principal United Nations governments, are described more or less comprehensively. In addition, some reference is made to the use of freedom stations, authentic and bogus, the employment by the Axis of traitors such as Lord Haw Haw and Ezra Pound, and the exploitation of neutral news sources for the dissemination of Axis stories. The discussion is based in part on information assembled by Ettlinger while he was abroad as a correspondent, but is grounded even more largely on the monitoring records of the Foreign Service Division of the Office of War Information, which are quoted extensively, usually without specific acknowledgement of the source. The treatment throughout is journalistic. In Ettlinger's opinion, the aim of Axis propaganda directed at the United States has not been to convert Americans to National Socialism, but merely to soften, frighten, and bewilder them. He argues cogently that this propaganda has been most effective when it has exploited isolationist and anti-Administration opinions circulated in this country by Americans who, consciously or unconsciously, have tended to weaken confidence in the government. A careful examination of the material presented is likely to lead to the conclusion that Nazi propaganda is a by-product of Nazi philosophy, dependent, among other things, on the fact that Hitler "does not have a very high opinion of people." It is a pleasure to record that the author, surveying the difficulties experienced by Goebbels in an era of accumulating disasters, has doubts about the effectiveness of the whole undertaking. Indeed, it is possible that not the least of the consequences of the defeat of the Axis will be the decline of a whole school of thought which has attributed well-nigh miraculous powers to liars. The reader may judge for himself the extent to which Americans have developed an immunity against German propaganda by the circumstance that the material published in *The Axis on the Air* is no longer sensational; it is, in fact, remarkably familiar and slightly boring.—E. E. SCHATTSCHNEIDER.

Twenty-eight articles on "Transportation: War and Post-War," edited by G. Lloyd Wilson, compose the November, 1943, number of the *Annals of the American Academy of Political and Social Science*. Descriptions of the wartime transportation picture in the United States, Canada, Great Britain, and Russia occupy most of the volume, which has also a few articles devoted to postwar problems. The lead-off article, by Joseph B. Eastman, on the rôle and organization of the Office of Defense Transportation, is followed by a group of papers describing problems faced by transportation agencies at the beginning of the war and the success with which they were met. Joseph L. White, James M. Curtin, and the editor emphasize the progress and changes effected during the interbellum years.

Following several informative essays on inland and coastwise water-carriers, Henry L. Deimel, Jr., and Ronald L. Kramer appraise the recent growth and the future of the American merchant marine. In one of the four articles considering automötive and air-borne transportation, Major General Harold Lee George discusses the Air Transport Command and its possible postwar significance. The distinguishing features of Canadian, British, and Russian transportation are discussed in some detail; the article on the Soviet Union by Charles E. Whitworth points up particularly our lack of knowledge about that country's system. The section on postwar problems presents standard discussions from the several viewpoints of industry, government, and professional observers. G. D. H. Cole, in an adapted article, offers a Socialist presentation of "integrated transportation," in interesting contrast to Samuel B. Petten-gill, who represents American industry. The volume is a timely collection of informative articles, but suffers from a lack of critical approach; a greater effort to obtain impartial writers might have corrected this defect. The symposium's value would have been enhanced by a better coverage of foreign experience, and also by comment from a railway labor representative.—RITA DAVIDSON.

As public interest heightens in postwar control schemes designed to dispose of surplus stocks of materials, books of experience on various types of control will have a particularly useful function. Such a book is V. D. Wickizer's *The World Coffee Economy, with Special Reference to Control Schemes* (Food Research Institute, Stanford University, 1943, pp. 258, \$3.00). The serious reader will not be interested in the first half of the book, which is devoted to such things as coffee characteristics, cultivation, consumption habits, and the like, but the last half, devoted to Brazilian coffee control schemes, inter-American coffee agreements, and regulation of the world coffee industry, comes to grips with major problems. Definitely there is something to be learned from Brazil's experience in underwriting surplus stocks at excessive prices (for political, rather than economic, reasons) and failing to restrain production thereafter. Here was an internal control scheme that weakened the international position of its sponsor nation instead of strengthening it, ultimately leading to such price differentials among competitive countries as to precipitate an international commodity agreement, embodying the export-quota principle. This Inter-American Coffee Agreement amounted to a political subsidy, by a major consuming nation, of some fourteen producing nations, a relatively unique feature of international commodity agreements. It also showed the extent to which a government (in this case that of the United States) could become financially involved in what appeared to be a relatively small subsidy principle at the outset. While the reviewer does not

concur with the author that "the agreement has contributed little toward solving the fundamental problems of the world coffee economy," it is admitted that a little more consumer-country control over price policies, together with effective production restraints, should be the goal of a true international commodity agreement. The postwar disposition of this particular government stockpile of a foodstuff stored abroad will be a major problem for both the trade and the government—unless it can be given away for relief and the excess sold centrally for the benefit of all signatories to the coffee agreement, according to quota participation, as the author reasonably suggests. In fact, the whole treatise is eminently reasonable.—FRANCES R. FUSSELL.

Much has been written by Britishers and Americans about South-East Asia in the postwar world, but unfortunately little has been heard from representatives of the peoples of the region. In *The Future of South-East Asia* (Macmillan Co. and Institute of Pacific Relations, 1943, pp. 126, \$1.75), K. M. Panikkar, an Indian long associated with the governments of Indian States, sets forth his views on the general problem of security and postwar policies for that area. Mr. Panikkar seems to see in an Indo-British partnership a solution to the problem of India's foreign policy and the answer to Britain's difficulties in that part of the world. He is convinced that India must remain in the orbit of Great Britain or pass into the orbit of Russia. In the latter eventuality, the British Empire will suffer eclipse. South-East Asia cannot be made secure solely by the guarantee of two or more major powers. The region can be protected only if one of the powers has a base in India. An India reconstituted in an independent Pakistan and Hindustan and in a long-term military alliance with Great Britain would "constitute the surest guarantee of Britain's authority and interest in the East," while the growth of Indian industries would provide "a steady local market for South-East Asia, and a genuine co-prosperity scheme within a defined region with internal economies complementary to each other will be its material result." Panikkar recognizes that China and India are potential rivals for leadership in that region, but he does not explore that probable development. The author analyzes briefly but interestingly the problems of each country of the area. The interest of the United States in the region are not discussed at any length, while the interests of Australia are given scant consideration. In spite of many inaccuracies, this little volume presents one of the most stimulating and suggestive statements on the problems and politics of this important region which has yet appeared.—AMRY VANDENBOSCH.

That an increasing number of people in Britain seem to be in favor of doing democratic justice to India is indicated by John S. Hoyland's

Indian Crisis (Macmillan Co., 1943, pp. 193, \$2.00). This English author, who has lived in India for over fifteen years as an educator, social worker, and supervisor of famine relief, is convinced that the time has arrived when India should be freed from British imperialism. In spite of his missionary background, he discusses Hinduism, Islam, Buddhism, and other non-Christian faiths with sympathy and respect. After examining the present social, economic, and political conditions of India, he comes to the conclusion that there can be no progress in that country under the British régime. "India must become independent," Mr. Hoyland says. "In many ways British rule has been good; but it has not been good enough; it has led to appalling miseries. The time has come when it must cease, and another way be tried, however steep and hard." It is a rambling book, but is written objectively and with sincerity supported by indubitable facts. But it will not be enjoyed by the Col. Blimps who expect to be in India indefinitely.—SUDHINDRA BOSE.

Fresh insight into the sources of military strength of the enemy we fight is provided by E. Herbert Norman in his too brief but well documented *Soldier and Peasant in Japan; The Origins of Conscription* (International Secretariat, Institute of Pacific Relations, 1943, pp. xiv, 76, \$0.75), in which he analyzes the social roots of Japan's conscript army. Motivated less by fear of the West than of democratic revolution at home, conscription was introduced as an instrument of counter-revolution in the early years of Meiji. The first law, that of 1872-73, created an army quite able to maintain the oligarchs in power. In 1883, after the suppression of the Satsuma rebellion, came the law designed to create an army capable of aggressive action abroad. It is into the roots of these laws, and the dominant features of Japanese militarism that emerged from them, that the author inquires.—RALPH A. NOREM.

In the African Handbook series (nos. 2 and 3), published by the University of Pennsylvania Press, there appeared in the fall of 1943 A. Williams Postel's *The Mineral Resources of Africa* (pp. 105, \$1.50) and *The Food Resources of Africa* (pp. 105, \$1.50), by Thomas S. Githens and Carroll E. Wood, Jr. Each of these excellent little books is in its own appropriate way an analytical and classified survey of the resources of Africa. Production figures for the various regions are indicated. Graphs, charts, and statistical data abound in the minerals study. And the authors of the food survey promise "in later volumes of the African Handbooks more detailed studies, both regarding specific areas and individual crops." In the meantime, interested persons will find these analyses very helpful.—N. D. HOUGHTON.

POLITICAL THEORY AND MISCELLANEOUS

Alex L. Macfie's *Economic Efficiency and the Social Welfare* (Oxford University Press, 1943, pp. xi, 142, \$3.25) is, in the author's own words, "a rather obstinate attempt to think out the concept of economic efficiency as a social value in an evolving community" (p. 133). The predominant stream of economic theory, he argues, has up to the present based its speculations on individualist theories of ethics. Illustrating this contention specifically in the case of Alfred Marshall, he goes on to maintain, that within the context of its assumptions, there is little to criticize about individualist economics. It is when one questions the ethical foundation of most economic theory and obtains a more complete picture of the way in which economic institutions function that the gross inadequacies of the old systems become so obvious. Macfie then develops his positive analysis. One portion has for its theme the impossibility of equating theoretically the economic action of the state with that of the individual. The ethical assumption of individualist economics emphasized quantity; the state, on the other hand, "decides its priorities on qualitative grounds through unique processes of institutional decision, processes essentially different from the judgments of individuals" (p. 37). Social processes and decisions are "unique" in the sense that they are neither the arithmetic total, nor some "average," of individual decisions. They are rather social creations. In his chapter on "The Characteristics of Moral Value," he takes sharp issue with Samuel Alexander, who, in his *Space, Time, and Deity*, argues that "economic efficiency" is merely an instrumental value. Macfie maintains, quite correctly, in the opinion of this reviewer, that efficiency must be looked upon as an end, as well as a means. Any sharp distinction between ends and means ought to be repudiated. As a notable critique of an economics grounded on individualist ethics and politics, as an eloquent plea for a closer cooperation among those interested in the problems of society, and above all, as an appeal for students of society to make explicit their own philosophic assumptions, this book should be heartily welcomed. As Frank Knight says in his foreword, the Lecturer in Political Economy at Glasgow University "is emphasizing what needs emphasis in the minds of the audience he is addressing, particularly the economists of the English-speaking world."—MULFORD Q. SIBLEY.

The late Lord Wedgwood's *Testament to Democracy* (American Chapter, Emergency Council, 1943, pp. xix, 355, \$3.75) is a refreshing book, free from cliché and platitude, full of facts and faith, and rich from a lifetime of political experience. Colonel Wedgwood loved the British Parliament as others of his family loved old pottery. He was devoted to its history

as well as to its traditions, and was fascinated even by what he believed to be its blemishes. In this book, as in his own life, he stands up for the independent member of Parliament against the rigid party discipline of the last sixty years. He therefore stands for the single-member district against proportional representation. He contemplates with horror the fact that "placemen" now number approximately one-quarter of the House of Commons. He thinks it probable that at the end of this war the Labor party will disintegrate like the Liberal party at the close of the First World War, its place being taken by a Communist party. He calls himself a philosophic anarchist, and looks forward to communism in essentials and private enterprise in luxuries. He pleads for Zionism and for a revival of liberalism toward native races. He hopes that need for exchange stabilization will drive American and British business men toward federal union. He fears a corporativism that is tender to the vested interests of well-organized groups. And his faith in Henry George even leads him to find hitherto unsuspected virtues in the New England property tax. Whatever unity this enjoyable and suggestive book has, it gets from the personality of Josiah Wedgwood and from the nineteenth-century ideals of personal liberty, tolerance, and government by discussion, by which he fearlessly judges the large-scale organization of our twentieth century. —W. HARDY WICKWAR.

George Fitzhugh (Baton Rouge: Louisiana State University Press, 1943, pp. ix, 360, \$3.00), by Harvey Wish, is another book in the excellent Southern Biography series edited by Wendell Holmes Stephenson and Fred C. Cole. Professor Wish has turned out a scholarly work that is well documented. George Fitzhugh was born in the tidewater section of Virginia and lived there practically all of his life. He became one of the chief literary spokesmen for the slave-holding South. With the statement that "we must meet propagandism with counter-propagandism," he proceeded to his task with enthusiasm and relentless energy. Fitzhugh was an unprincipled propagandist for his cause, and not a scholar. He became a prolific writer for magazines and newspapers. His chief contributions were to *DeBow's Magazine* and to the Richmond papers. But he also produced at least two books of note—*Sociology for the South* and *Cannibals All!* In *Sociology for the South*, Fitzhugh attempted to show that free competitive society was a failure. Unknowingly, he stumbled upon some of Aristotle's ideas about the value of slaves to the progress of mankind. In *Cannibals All!*, he further emphasizes the weaknesses of free competitive society, and his attacks on capitalism antedated by many years similar ones made by totalitarians of our day. Fitzhugh believed the Southern slaveholding aristocracy to be the master race; Negroes he re-

garded as inferior and not capable of being educated, Fitzhugh was not an unreconstructed rebel. After the Civil War, he was conciliatory, and even became an employee of the Freedmen's Bureau. Writing for *Lippincott's Magazine*, he conceded that free Negro labor was more profitable than slave labor; but he refused to change his mind about Negro education. Professor Wish's *George Fitzhugh* should be of considerable value to political scientists. It is interesting to find an American writer of the Old South advancing some of the theories of present-day totalitarianism.

—CULLEN B. GOSNELL.

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CLYDE F. SNIDER

University of Illinois

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SPECIAL NOTES ON FOREIGN DOCUMENTS

JAMES B. CHILDS

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The French Committee of National Liberation. With the establishment of the Comité Français de la Libération Nationale at Algiers on June 3, 1943, through the merging of the Comité National Français (London) and of the Commandement en Chef Civil et Militaire by General de Gaulle and General Giraud, a brief statement as to the form in which the various official acts of the different authorities have been, and are being, published may be helpful. We may note that particularly by the "ordonnance" of June 3, the French Committee of National Liberation exercises French sovereignty over all French territory outside the power of the enemy and at the same time assumes the right to conclude treaties and agreements with foreign powers. *Journal officiel de la République française* is the title of the gazette which has been published regularly at Algiers beginning June 10. The year has been indicated almost consistently as soixante-quinzième (75th), in continuation of the *Journal officiel de la République française* published at Paris, and unfortunately printed at Vichy since 1941 as the *Journal officiel de l'État français*. The acts of the Committee itself with the effect of law published in the Algiers *Journal officiel* are termed "ordonnances" and those by and for the commissariats or executive departments are designated as "décrets" or "arrêtés." The second ordinance (June 5, 1943) makes a provisional modification of the decree of November 5, 1870, relative to the promulgation of laws and decrees, replacing "à Paris" by the words "dans la ville où est établi le siège du Comité français de la libération nationale." All the ordinances, decrees, and orders make appropriate reference, wherever necessary, to the pertinent legislation and acts in force previous to the downfall of France in June, 1940. On January 1, 1943, Admiral F. Darlan as Haut Commissaire en Afrique at Algiers issued the first number of the *Journal officiel du haut Commissariat de France en Afrique*. The Haut Commissariat itself had been set up by Darlan through

"ordonnance" of November 16, 1942, under the authority of Constitutional Law No. 4 of February 10, 1941. The first number of the *Journal officiel* contained the ordinances promulgated in November and December, 1942. After the assassination of Admiral Darlan, General Giraud became Haut Commissaire, and then by ordinance of February 5, 1943, Commandant en Chef Français Civil et Militaire. The gazette became *Journal officiel du Commandement en Chef Français*, and continued with the same numbering until its final issue, No. 24, May 30, 1943. By declaration and ordinance of March 14, 1943, General Giraud had declared all French constitutional enactments, laws, and decrees subsequent to June 22, 1940, invalid in the territory under his control. The acts of the Comité français national at London were being printed currently in the *Journal officiel de la France Combattante*, which ceased with the issue of August 10, 1943 (3rd year, no. 9), containing the decrees and orders of April and May, 1943, and two orders of June 2, 1943, just previous to the creation of the French Committee of National Liberation at Algiers on June 3.

The announcement from Naples under date of February 10, 1944, that the Allies had restored to the government of Marshal Patro Badoglio administrative authority over southern Italy raised the question of what has been the publication record of that government since its removal from Rome during the first half of September, 1943. Under date of November 18, about two months later, the first number of a special series of the *Gazzetta ufficiale del regno d'Italia* was issued, with simply a military address (P.M. 151) and the note that the gazette was issued by the Intendant of Finance in the province where the government had its headquarters. A decree of November 10 provided that during the absence of ministers on account of the contingencies of war, under-secretaries of state were for the time being to exercise these functions, and under-secretaries of state were appointed by decree of November 16, 1943.

The third volume (1942, pp. 1057) of the ambitious official history of the Argentine Congress (*El poder legislativo de la nación Argentina*) prepared under the auspices of the Chamber of Deputies by Carlos Alberto Silva is devoted to legislative work during the period of national organization, 1854-1861, when the capital was at Paraná, and the province of Buenos Aires was outside the Confederation. In the national constitution was the provision that each of the provinces should draw up its own constitution under the representative system, and should submit it to the national congress for examination. The record of these proceedings and the texts of the provincial constitutions themselves occupy the latter part of the volume.

A new compilation of the constitutions of the Americas in Spanish has been prepared and published at Mexico City in 1943 (2 vols.) by Lic. Leonardo Pasquel under the title *Las constituciones de América, textos íntegros vigentes*. Canada is represented by the British North America Act of 1867 and Puerto Rico by the Organic Act of 1917. Although the work purports to present the texts in force, it reproduces for the Dominican Republic the constitution of 1934 instead of that of 1942.

Digesto constitucional de la nación Argentina is the title of a compilation of the Argentine national constitution and the constitutions of the Argentine provinces, prepared by Carlos Alberto Silva and Francisco Rodríguez Castro and published by the Cámara de Diputados at Buenos Aires in 1942. This calls attention to the need for similar compilations of the constitutions in force for the state governments of Brazil, Mexico, and Venezuela, and for the departmental governments of Colombia.

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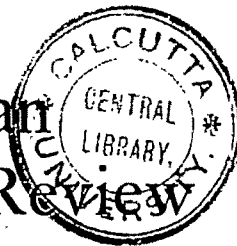


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THE CHANGING PATTERN OF PUBLIC POLICY FORMATION

ERNEST S. GRIFFITH

Director, Legislative Reference Service, Library of Congress

Change is the order of today, and the nightmare or the hope of tomorrow. For better or worse, the orbit of public policy is ever widening in all nations and in international organization as well. With its widening have come profound changes in the methods of policy formation; so much so that the normal vocabulary and thought patterns of the lawyer, and even of the political scientist, are among the chief obstacles to its understanding.

In the article that follows there are considered, first, the changes in the over-all culture of which public policy formation is a part; and, then, and only then, the more precise changes in policy formation itself.

I

Laws were once the typical expression of public policy. In this, their one-time characteristic rôle, they are now dying or dead, however reluctant many of our national leaders are to read the obituary column. Our so-called statesmen choose rather to live still in a world of dreams in which nostalgia for the days of a government of laws blinds them to the changed and paramount contemporary characteristic of government, which is *organization to attain objectives*. In the strict sense of the term, a law is a general rule of conduct. But today government consists largely, not of these general rules, but of continuous intervention—intervention by men in the relations between groups. The changing pattern of public policy formation is understandable only as change induced by this drastic alteration which lies at the very heart of the nature of government. Nor is this change confined to the change from laws to continuous intervention. The concept of policy is itself changing

from the solution of problems to the attainment of national objectives, or even a single national objective. Intervention is now not so much directed to a series of ends, but to one supreme end—the winning of the war. Even when peace comes, there are signs that a similar unifying end—in this case, full employment—will play a similarly dominant rôle in public policy. If some value or objective does become dominant, problems and their solution will be in the light of it. They become parts to be integrated—not, as before the war, discrete or dispersive policies to be pursued without reference to one another.

This, in turn, is part of a still larger underlying hypothesis to the effect that we are witnessing the emergence of a new cultural synthesis whose magnitude or importance is comparable to the eras of feudalism or mercantilism or liberalism. The new pattern of public policy formation is a sector of this synthesis. To appraise its place in the scheme of things, let us picture first the old, fairly stable cultural order; secondly, the pattern of transition; and finally, the new age, the main elements of whose architecture are even now visible. A schematic presentation will help to make this clear. (See chart on next page.)

Let us first read each column from the top down.

By the past is meant the pattern of the Nineteenth Century, especially in England and the United States. Its sectors are sufficiently familiar to need little or no explanation. Their relationships have been thoroughly explored, and all too often over-simplified. Nevertheless, they did and do “hang together.” In the main, they constitute a logical whole—whether we think of the most characteristic aspect of the period as individualism, the police state, the law of supply and demand, the rule of law, private property, or individual rights. Public policy emerged largely from parliamentary and congressional leadership—to be molded in the matrix of common and constitutional law by the judiciary, or to work itself out in foreign policy by diplomacy, imperialism, and war. Toward the end of the period there was occasional evidence of bureaucratic ascendancy, but this was little appreciated or understood.

The next sounding lies in the years immediately preceding the present war. By this time, not only was the old order obviously disintegrating, but foreshadowings of the new were already with us. Even though a transitional period, it still possessed a rough and ready underlying synthesis centering around the power group

THE TRANSITION IN CULTURE PATTERNS

THE PAST	THE IMMEDIATE PRE-WAR PERIOD	THE WAR AND THE FUTURE
	(The disintegrating old and the emerging new)	
<i>Technology</i>		
Multiplying independent productive units	Varying degrees of roundaboutness Assembly lines, etc.	"Technocracy" Full productivity
<i>Economics</i>		
Atomistic economy	Mixed economy with centers of power	Integral economy
Market price—self-adjusting	Price distortions—administered and free zones	Administered prices
International free trade	Trade controls—bilateralism	Autarchy-National planning
Economic unit as self-interest	Widening concept of a "public utility"	Economic unit as function
Property as ownership	Changing nature of what constitutes property; ownership to control	Property as trusteeship
<i>Philosophy</i>		
Individualism (Utilitarian)	Group utilitarianism	Social policy dominant (not defined)
Liberalism	Pragmatism	Christianity, Nationalism, Communism
Emphasis on rights	Humanitarianism—War (i.e., palliative or escape emotional situations)	Emphasis on duties (i.e., sacrifice)
<i>Government</i>		
Legislature and judiciary characteristic institutions	Executive and political leader characteristic	Planning boards
Jacksonian democracy Local self-government	Government by whirlpools	Corporatism
<i>Law</i>		
Generalized decrees (government of laws)	Façades, rituals—the period of the "quasi" and the commission	Specialized orders (government of men)
Civil and criminal law paramount	Undue stretching of civil and criminal concepts (sociological jurisprudence)	Adjustment
Precedent—as basis for decisions	Rationalizations in decisions	Research as basis for decisions

as its most characteristic feature. This expressed itself in dispersiveness in government, in disorganized pluralism, in an emphasis upon unrelated group activity. It was not really a workable order, as its widespread unemployment and international ill-will and war bore witness. Virtually all major elements of the past had by the 1930's undergone profound change, even though the symbols and rituals of this past continued to be emotionally defended as well as generally retained in conversation and writings. The assembly line and large-scale production had brought centers of power in industry and labor. These centers of power expressed themselves in those rigidities of price and wage which shattered the old economic integration by the law of supply and demand. The concept of property as ownership became increasingly irrelevant. Power as control took its place as the economic factor of paramount importance. The prejudices and demands of economic groups were the political insistences which constituted the chief stimulus to governmental action. The operative political philosophy was a kind of neo-Benthamism, a group utilitarianism which acted as though it believed that if each group pursued and was granted the attainment of its own particular interests, the common good would somehow result. The vocal philosophies were a crude pragmatism—which saw each problem as one to be solved singly, with little or no reference to its secondary effects—or a humanitarianism which built up palliatives for the wreckage which group utilitarianism left behind it—palliatives the chief expression of which was perhaps that confession of the warmth of man's heart, but the bankruptcy of his intellect, to wit, unemployment insurance. Each group found its legislative spokesmen; its insistences found their ultimate governmental expression in the creation of a department, an agency, or a commission designed to exercise regulatory continuous intervention in its behalf; or occasionally, if two groups were clashing, in an arbitrating or regulatory agency. The groups, together with their legislative spokesmen and administrative agents became so many separate centers of policy formation—and "government by whirlpools" prevailed. Any compatibility between the programs of groups or their governmental expression was purely accidental. Behind the rituals and façades of the "quasi" and "administrative law" lay the political realities of governmental intervention in group warfare.

Long before the war gave their utterances richer meaning, there

were those who perceived the nature of the difficulty and the impermanence of any social and economic order so brittle. In a sense, fascism and hyper-nationalism were man's non-rational answer to states and societies rent in pieces by unintegrated group struggle.

It remained for the war to bring the necessary shape of the cultural synthesis of the future into clear perspective. An integral economy, with each economic group functional in its ultimate nature, property and control, the economy's trustees, and the community's objectives dominant—these were not war products alone; these were of the essence of the shape of things to come. Only the philosophies that would recognize this fact would survive; only the institutions which could serve its ends would flourish.

If the problem be that of integrating groups toward the common objective—whether that objective be the winning of the war or subsequent full employment, then continuous intervention of some sort as between groups and over-all groups becomes necessary. The conflicts between the uncoordinated power groups were total failures in making things tick. Adjustment as the continuous regulation of inter-group action became the order of the day; research or the intelligence function, the basis for governmental policies; planning, a characteristic activity. Government and economics converge into a new political economy in which the political scientist's study of power, the administrator's science of organization, the sociologist's knowledge of group behavior, and the economist's mastery of statistical prognosis become fused.

Let us next read *across* the chart.

The trends in technology and industrial organization are unmistakable. Large-scale production and concentration of control reveal continuous growth. The atomistic economy not only gives place to the mixed economy, but in nation after nation (including our own) the economy enters a further stage of development as it is integrated around a central purpose. Either by corporate and cartel and trade union action or by government intervention, all but a minor fraction of prices come to be administered. Under such circumstances, what then are the respective spheres of, or even the distinction between, public policy and private policy? If, through patent pools or other devices, it becomes possible for the price of glass to be fixed by private agreement, does this become public policy only when the government freezes it "for the duration?" Does the political pressure of the "private" farm groups become

public policy, only when their definition of parity is written into law and administration?

Moreover, the break-down of the all but forgotten London Economic Conference evidences something more than merely a blind hyper-nationalism. Chiefly it indicates that the all but universal national economic planning cannot leave footloose a sector as vitally important as that of international trade. Autarchy in the literal sense of the word is likely to be impossible of attainment; but autarchy as a slogan or ideal plus national control of the international trade that remains is almost a corollary of national planning. The old self-interest concept, even though tempered with an increasingly wide interpretation of what constitutes a "public utility," is doomed as it becomes apparent that an integral economy requires that each economic unit be thought of as function. Moreover, the utilitarianisms—first, individual, and then group, with their dispersive freedoms—yield before the necessity of integration. This necessity in its turn postulates a unified over-all social or public policy. Only the philosophies whose paramount emphasis is upon duty are compatible with or have survival value in such a situation, for individuals and groups alike must coöperate willingly or otherwise to attain the common end. Parenthetically, if this reasoning be valid, that liberty which for a time was a useful culture trait is in grave danger unless a philosophy is adopted which holds that liberty as well as duty is an absolute—such, for example, as Christianity. Nazism, Fascism, and Communism did not so hold it, and liberty did not survive their onslaught.

In those governments of industrialized states, in all of which leadership and effective policy formation have already largely slipped from the hands of the legislature and the judiciary to the chief of the state, a further transition is evident—this time from the chief of state to the technician or expert. The "planning board" takes over, whether we call it the Gosplan or the War Production Board. If there is to be deconcentration of such planning, in order to avoid some central Frankenstein, it bids fair to assume the shape, not primarily of geographic local self-government, but of a corporatism or economic self-government—democratic or otherwise. In this connection, it is interesting to note that Herbert Morrison, high in British Labor party circles, calls, not for socialization of cartels, but for their control by boards with interest representation of capital, labor, consumer, and government.

The old civil and criminal law, the very laws themselves, after straining at the straight-jacket of the "quasi," finally have burst their bonds; and specialized orders—allocations, price regulations, wage awards—signalize continuous intervention in the adjustment of group interests and conflicts. The precedent of the court gives way to the research of the economist as the basis for governmental decision.

But is this not for the war only? Knowing the deep-seated yearning for the "good old days" that pervades our electorate, it is to be expected that there will be an attempt at reversal of the many aforementioned trends with the coming of peace. Yet the lesson will not and cannot be wholly lost that, by this new type of government, unemployment was abolished; and, even with half of our production and ten million other men in the armed services devoted to war, the standard of living of our people has been raised. I doubt if ten million unemployed for ten years will ever again be tolerated. It certainly should not be.

All this may be strangely unfamiliar and disturbing. There seem to be almost no reassuring landmarks through it all. If the problem and function of the state are to provide the organizing, integrating factor for its economic community in order to permit its full operation and to call a halt to the terrible price of group conflicts, then a new vocabulary is needed in talking about government. The making, enforcing, and interpreting of laws are no longer its characteristic activities. Rather do we find the state engaged in the adoption of objectives and in the research, planning, and adjustment or continuous intervention necessary to carry them out. Pervading these operations is always the interplay of leadership and popular opinion. In this interplay, and in the contributions made by governmental research or intelligence, lies the core of the changing pattern of public policy formation. Here objectives are studied, debated, and chosen; here the means to attain them are decided upon.

The question of objectives is all-important. So long as we lived in an individualistic climate of opinion, it seldom occurred to people that government as such should have any general or over-all objectives, save possibly in the field of foreign policy—unless one includes as an objective freedom for industrial development through governmental non-intervention. The same could not be said as regards limited or special objectives, for in the United States and in England there were always special groups wishing govern-

ment to make their private objectives its own. By 1940, this latter type of governmental activity had grown enormously, so much so that the special groups had virtually superseded individuals as the extra-governmental source of public policy. Except where one government agency with one clientele opposed another agency with a clashing clientele, there were few agencies of the government that offered any really effective resistance to group pressures, or effectively urged alternative policies incorporating the public interest. Perhaps the Securities and Exchange Commission may be regarded as a conspicuous exception. Such a situation produced the dispersive state in our own country, a state whose public policy revealed a striking similarity to the internal contradictions and inability to deal adequately with unemployment and frustration which preceded the coming of dictatorships on the European Continent. At the door of this dispersive state can be laid the chronic depression from 1929 to the coming of the war.

The change which the war brought was miraculous. Disparate purposes were welded into one under governmental directives. Business, labor, agriculture—all were set to work to make their respective contributions. One control after another was interposed, and the increase in government intervention, adjustment, and integration became continuous. Fabulous research and planning divisions were set up in all the war agencies. Congress occupied the dual rôle of a cheering section and a gadfly. In the former capacity, it voted billions; in the latter, it passed in review (notably in the Truman Committee) the various shortcomings of the war effort and apparently forced change after change. But now with the post-war world looming on the horizon, its rôle as a cheering section is muted, and even major objectives (as well as means) of the executive are vigorously questioned.

If full employment as the overriding objective in the post-war world can capture the popular imagination—and it may well do so—there is a genuine possibility that this objective of full employment may play the part of paramount integrater now played by the winning of the war, though doubtless with more imperfections. The inward nature of the problems to be faced in policy-formation will not be greatly different. The conflicting power groups will pull and tug for advantage. In so far as the definition of advantage tends to imply, on the part of industry, labor, agriculture, and the professions alike, some form or other of administered scarcity, the cor-

rective of the "public interest" will obviously be needed. Otherwise, full employment would appear remote.

One may be justified in viewing with very deep concern the apparently logical outcome of this line of reasoning. Theoretically, it appears to call for the indefinite multiplication of regulating boards and commissions, each with a research staff, until the seven hundred or more code authorities of the National Recovery Administration days are re-created with enhanced powers. It may be doubted whether such an inflated bureaucracy would be tolerated politically, even if it could be made to work effectively administratively, which may be questioned. The political pressures would be terrific, as they are today in similar situations in the Office of Price Administration and the War Production Board, which furnish the closest current parallel.

It is at this point that some form of "corporatism" may enter the picture as an alternative. By judicious choice and weighting of interests to be represented, functional authorities could be created experimentally in three or four industries so that the resultant policy decisions as to price, output, quality, labor conditions, would not be greatly different from those which would have emerged from supply and demand in a competitive order. The important thing would be to grant majority representation to those groups with a stake in maximum output and low unit profit. With such representation, the need for over-all administrative integration would be greatly minimized, although some central board of strategy or planning would obviously be needed.

It must be admitted that such overt recognition of the corporative principle is not to be expected immediately in the United States. There must first of all be recognition of the functional nature itself of an industry. In other words, we must sharpen the perception already implicit in our vocabulary that steel, transportation, banking, milk, amusements, textiles, are integral parts of our national life, and that our national life is weakened unless each part actually performs its full function. Incidentally, this failure to operate fully, this "conscientious withholding of efficiency," is probably the most serious weakness in the whole capitalist system. Few, if any, would argue that the productive capacities of communism are superior to those of capitalism, if and when the latter functions at full capacity—as, for example, it is now doing. The verdict is far less certain if the comparison is made between a fully func-

tioning communism and the capitalism of the 1930's, during which decade it is by now apparent that the functioning of the democratic capitalist states of Europe and North America averaged scarcely sixty per cent of potential. Under any restoration of such a state of affairs, it is not unlikely that in another ten or twenty years the Russian standard of living might exceed that of any European nation and be rivaling our own. The centripetal pull of such an achievement upon the frustrated millions on the European Continent can scarcely be exaggerated. On the other hand, if we in the United States can so organize our own economy as to approximate in peace-time our achievements of war-time, the pull will be the other way, and our own business men need not lie awake nights.

To integrate or functionalize an industry, in essence, is not—as some business men fondly suppose—merely to vest power in a trade association or cartel to “rationalize” the given industry. There is no surer way to perpetuate the economy of scarcity and chronic unemployment. Nor is it enough to “democratize” the control by the addition of labor representation—even equal labor representation—to the board or association which forms the policy. The history of such efforts has far too frequently demonstrated that labor, in return for high wages, will reinforce the employer's monopolistic pricing policies, and hence perpetuate the economy of scarcity.

If corporatism rather than government regulation is the path chosen, the obvious answer is so to constitute the governing body or functional authority for each industry that a majority of its members will have their primary stake in what has been defined as the “public interest” or the “national objective.” If this be maximum production at low unit profits and prices, then a majority of the membership must come from groups such as producers of raw materials, consumers (including other businesses), the government, and perhaps even the unemployed who would find employment under a program of increased production. The majority would presumably also be composed of those committed to the survival of private enterprise and the capitalist system, so as to avoid confiscatory tendencies. An ancillary device is to give the governing body a secretariat with full right of access to the books of the businesses affected. The resultant publicity, in and of itself, would be a mighty force in the direction of compelling groups to

justify their conduct in the light of the over-all objectives, the attainment of which constitutes the public interest.

Much of this discussion is, to say the least, premature. Institutionally, there is lag as well as adaptation, and the public discussion (as distinct from the realities) is, for the most part, couched in terms of the Nineteenth Century, or even earlier.

II

In American terms and among American institutions, what is this changing pattern of policy-formation? May I speak first of the Congress? Congress does not yield its deeper usages or its more subtle *mores* to the casual observer. Even after three years of close observation, the writer claims little more than the beginning of an understanding.

Some things may be said. Congress, in its procedures, usages, and overt activity, bears witness to the transition already mentioned. Sometimes there is an almost futile attempt to write details into law; at other times there are only a declaration of an objective (under legal rituals) and the authorization of an agency to realize the objective by effecting the necessary adjustments among our economic groups. Leadership follows no one pattern. Sometimes it emanates from committees, but more often from the executive. Apart from the winning of the war, there are few signs of an over-all goal before which subsidiary, but conflicting, objectives must yield. "Government by whirlpools" continues, even during the war, albeit with muted vehemence. The economic groups and interests are liberally and sincerely represented in the personnel of the Congressional committees whose activities chiefly affect them. The tradition of trusting a committee is strong, usually to be overridden only when, as in the case of the House Committee on Labor, the committee is out of tune with the dominant mood of the House as a whole.

The research or intelligence which accompanies Congressional deliberation deserves study. For the most part, the reluctance of Congress to implement its deliberations with research of its own is notorious. One result has been a very considerable degree of dependence upon the research and planning emanating from the executive. The obvious manifestation of this dependence is found in the appearance before appropriate committees of representatives of the executive, together with the custom in many committees of

routing all seriously considered proposals to the executive departments affected for comment and criticism. Less known is the tendency somewhat surreptitiously to borrow positions or full-time persons from executive departments to assist in committee research. These relationships are mentioned in by no means a critical temper. They have much to do with the approximation to British or parliamentary usage of much of our government, and share certain of its advantages. They do, however, reveal weaknesses which appear in more striking fashion in the British system. Research in the executive has many strengths, but it also has certain limitations as well. Publicly, such research can scarcely take issue with a politically assumed position of the President or Prime Minister. Moreover, departments and agencies almost of necessity, if they believe in themselves, will seek to expand—and recommendations will follow accordingly. Finally, they hate to admit mistakes, even to themselves, and bureaucratic rut may result.

Congress, therefore, seeks in increasing measure its own research staff aids, and will, I predict, seek to develop them still further. Not to mention the Legislative Reference Service, concerning which my objectivity might be somewhat suspect, one should note the staff of the Joint Committee on Internal Revenue, the newly acquired staffs of the appropriation committees, and of the numerous special committees. Always, however, there is the danger that such staffs will be tempted to differ with the executive in order to justify their independent existence. In such an event, there may be danger of a further enhancement of the conflicts inherent in separation of powers. Some people have attributed the feud or gulf between the Treasury and the Ways and Means and Finance Committees primarily to this factor.

As regards policy formation, the special committees or the special investigations by standing committees with their own staffs often represent a desire to break away from dependence upon executive fact-finding, as much as a desire to investigate or harass the executive. Moreover, in a curious sort of way, the special committee is an adaptation to or corrective of the seniority rule in standing committee chairmanships. It provides a vehicle for genuine leadership on the part of members (usually third or fourth or fifth-termers in the House and second or third-termers in the Senate) whose abilities are frustrated in the normal committee chairman sequence.

It must never be lost sight of that, with all its faults, Congress

is a not inaccurate mirror of the more articulate and insistent opinions of the complex group and sectional pattern of our public opinion. In its own way it is also a guardian—better than the Supreme Court, I fear—of that remaining vitality in state and local political action which needs freedom from both coercion by law and purchase by grants-in-aid to survive. If it could work out a more effective method, not merely to compromise between economic groups, but also to provide means to integrate these same groups in some decentralized fashion, it would make thereby a major contribution toward arresting the onward march of national executive dominance in policy formation.

One final word before leaving the consideration of Congress. It has been popular in administrative and academic circles to decry what appear to be arbitrary and irrational Congressional moves against the public relations and other activities in the executive departments, especially those which look toward informing the public as to programs so as to lay the necessary foundation for cooperation and support. Some of these moves have taken the form of demands or orders to remove officials. What is the inner meaning of these efforts? I do not wholly understand them. In part, they are accounted for by the realization that, since public policy determination has to a great extent shifted to these executive departments, and since one of their chief weapons in obtaining and retaining popular support is their control of the press releases as well as the research and day-to-day field contacts of the action programs which they administer, in the last analysis, the men chosen in the departments will determine the tone and direction of these releases, research, and contacts. Therefore, Congress deems it within its right, not only to lessen the opportunity for such influencing of opinion, but also to control the type of man to be chosen.

The new orientation of governmental processes comes to its full flowering in the executive branch. The President and the departments and agencies both lead public opinion and are influenced by it. For each agency has its own clientele, largely drawn from the groups whose pressures were often instrumental in the agency's creation. The trilogy of the pressure group, the agency, and the appropriate Congressional committee often constitutes the "whirlpool" characteristic of our government. Within this whirlpool lie the research and planning which, with or without specific Congress-

sional sanction, eventually emerge in a regulatory or action program. Here and there, elements of a potential corporatism may be detected, in formal and informal advisory committees, or even in the selection of representatives of interests to serve on the board or commission. In the combination of research, experience, and pressure lies the genesis of public policy.

But this is chiefly a dispersive type of policy-formation. Of the genesis and effectiveness of the adoption and pursuit of *over-all* objectives or values, one is much less certain. Congress has no over-all policy group within its own membership or institutions, unless the still relatively untried George and Colmer post-war committees prove such. For a brief moment, the Temporary National Economic Committee rose to this stature as a joint legislative-executive group, but the coming of the war sent its far-reaching program into eclipse. Perhaps its chairman, Senator O'Mahoney, may yet succeed in reviving its approach in his subcommittee on post-war industrial organization. Only time will tell.

Apparently such over-all policy is more likely to be generated, if at all, in the executive. Little centers appear here and there which give reason for hope. In the Executive Office of the President, Baruch for the post-war period and Byrnes for the winning of the war are at least potentially "ministers without portfolio" who can undertake to represent this enormously important over-all point of view. In the Bureau of the Budget, there exists in embryo another potentially coordinating vehicle, and in the Treasury the preoccupation with general fiscal policy forces very considerable general research and planning. Our foreign economic policy is potentially coordinated in the Foreign Economic Administration, ostensibly under State Department directives, although the mutability of a government agency in this field is proverbial. Perhaps of greater practical significance for the time being is the network of joint committees and liaison men who in the give and take of discussion, both formal and informal, somehow or other succeed in coordinating our war effort. For example, the war on inflation had its over-all strategy worked out in an informal session of key men from a number of agencies, who mapped out a simultaneous coordinated attack along ten or a dozen fronts at once.

Where and how will the public interest find its future expression in public policy formation? Will it look to Congress, or to the executive, and if to the latter, to what part? Will it look at all to the

courts? There are two strands woven into this concept of "public interest," and they lead, I believe, in somewhat different directions. If by "public interest" we imply an over-all vision of a good society, a kingdom of God on earth, we may anticipate political development with more and more leadership centered in the President, and with the chief function of the presidential office coming to be the dramatization of over-all values or objectives and of the means whereby they are to be attained. The pattern of such an approach is clear. Government—yes, bureaucracy—thrives on such an approach. On the other hand, the delusion of the short-cut by central as distinct from local or individual initiative is its peculiar temptation, and also perhaps its worst enemy. This is the New Deal mood—if there is a problem, solve it by government, preferably by the federal government. In those nations where the over-all values have been false and the definition of public interest has been in terms of a race or class, fascism with its mood of aggressive prejudice and communism with its hatreds and its opportunistic morality have come to be the debased expression of policy-formation of this type.

The second strand in the definition of the public interest is less familiar in its articulation, more realistic in its actuality. This strand would hold the public interest to be the product of the democratic adjustment of group interests by each group participating in decisions significant to it. Down this path lies corporatism, the possibility of a decentralized operation of a pluralistic society.

In both definitions alike, the precise meaning of the "public interest" rests ultimately upon values. Both alike suffer from the danger of the group myopia which identifies group interest with general welfare—a neo-Benthamism or group utilitarianism insidious in character. Only if the values can become community values, perhaps through the reunion of operative political theory with religion and humanism, has the group a chance of becoming functional in its attitude. Then the President plays to the full his rôle of national leader; administration becomes a profession as well as a career; and Congress rises to its full stature as the democratic expression of a consecrated general will.

SOME PROBLEMS OF MILITARY GOVERNMENT

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The United States Army officially defines military government as "that form of government which is established and maintained by a belligerent by force of arms over occupied territory of the enemy and over the inhabitants thereof."¹ "It is a government imposed by force and the legality of its acts is determined by the laws of war."² An application of this definition in the formulation of an adequate and enlightened civil affairs policy brings many difficult problems in its train, and particularly is this true in the modern, complex organization of society and warfare.

Thrown into prominence by the war, such problems of military government at present occupy the attention not only of American political and military authorities, but also of numerous scholars and publicists.³ That the latter should display so keen an interest in what is apparently a strictly military matter is a sign of the growing realization that solution of the problems of military government is vital for the successful prosecution of the war and for establishing the conditions which will make possible an equitable peace settlement. American public opinion, to some extent led and moulded by scholars and publicists, is unmistakably concerned with civil affairs administration of allied occupied territories across the sea and with plans for those yet to be occupied. In fact, that concern is currently running at flood-tide—perhaps more so now than ever before in our history. Now while this is a healthy sign of democratic vitality, as well as an inevitable concomitant of total war, it is not

¹ *FM 27-10; Rules of Land Warfare* (Washington, D. C., 1940), p. 2, Art. 6. [Hereafter cited *FM 27-10*]. Drawn up and published by order of the Secretary of War, this manual codifies the accepted international laws of warfare as well as the customs of war, together with the American interpretation of these rules. The contents of the manual are mandatory upon American forces in the field; they can deviate from these rules only by express permission of higher political authority.

² *Ibid.*, p. 76, Art. 284.

³ For example, see B. Akzin, "When Our Troops Occupy," *Harper's Magazine*, Feb., 1943; *Fortune*, "Prepare to Occupy," Feb., 1943; H. Motherwell, "Military Occupation and Then What?—AMGOT and Its Future Headaches," *Harper's Magazine*, Oct., 1943. The winter issue (1943) of the *Public Opinion Quarterly* was entirely devoted to military government problems; its fourteen articles vary greatly in quality.

altogether an unmixed blessing, for it virtually constitutes a new problem in the field of military government. Ironically enough, that problem is not confined to areas captured from the enemy, because it exists chiefly at home. In the surcharged, emotional, war-time atmosphere, the clamor of public opinion, final arbiter in a democratic state, may actually impede the Army in its task of dealing satisfactorily with civil affairs abroad. A few words, therefore, on the history of American military governments and the powers under international law to conduct civil affairs on occupied soil may not be amiss at the present time.

I. HISTORICAL APPRAISAL

Although military governments were established by American armed forces earlier in the century, it was not until the Mexican War of 1846 that a coherent theory concerning their function was formulated.⁴ Because in that period Jacksonian democratic sentiments were still widespread, both the theory then developed and its practical application in Mexico by General Scott conformed to humanitarian precepts.⁵ This benevolent concept has survived for a hundred years, and, more significant, has grown increasingly stronger with the passage of time. For example, President McKinley's memorandum, written at the time of our occupation of Cuba (July 18, 1898) reads: "In the exercise of these high powers [of administration] the commander must be guided by his judgment and his experience and a high sense of justice. Our occupation should be as free from severity as possible."⁶ It is now traditional that when compelled to assume control of civil affairs in an occupied region, the armed forces of the United States act strictly within the limitations imposed by international law and custom; furthermore that they interpret and temper these laws with justice and humanity in order to cause a minimum of hardship to civilian inhabitants in that area.

⁴ On early American military governments, consult D. Y. Thomas, *A History of Military Government in Newly Acquired Territory of the United States* (New York, 1904). Also see R. H. Gabriel, "American Experience with Military Government," in this REVIEW, Vol. 37, No. 3, June, 1943, for a concise account.

⁵ For this salient point, I am indebted to Professor Ralph H. Gabriel, of Yale University, currently teaching in the Charlottesville School of Military Government, who emphasized its importance in a paper read before a meeting of the American Historical Association in New York City, December, 1943.

⁶ J. B. Moore, *A Digest of International Law* (1906), Vol. VII, p. 261, and see following.

Faced with the reality of this hundred-year development of legality and leniency in military government administration, we may inquire whether it was due entirely and solely to the dispensations of the American democratic spirit. A close examination indicates that this is not altogether true, for impersonal factors and chance played a considerable part in fashioning this particular American military practice. In the first place, all American wars since 1846, with the exception of the Civil War, were short and culminated in relatively easy victories. This was true in 1848, in 1898, and in 1918. Under these circumstances, very little of that vengeful, embittered hate which is often the by-product of a life-and-death struggle appeared in this country during the course of war. Certainly nothing appeared which can compare in intensity with the traditional hatreds on the European continent. Moreover, American policy always distinguished carefully between the enemy government and its people; war was waged only against the opposing sovereign and armies, not against subjects and civilians.⁷ Because of these factors, the United States not only was inclined to be generous, but it could easily afford to be lenient in the treatment of civilians domiciled in areas under American military occupation.⁸ Notice that in the four-year Civil War, which was cruelly hard-fought, the hatreds engendered were to a degree responsible for some of the uncompromisingly severe military governments erected on ex-Confederate soil, and particularly so after the end of hostilities when the military governments fell under Congressional control.⁹

Another observation is that the United States had the good fortune to fight most of its wars during the last hundred years in areas

⁷ This concept is expressed in the Doctrine Rousseau-Portales, recognized in the nineteenth century, and strongly reflected in the spirit of the Hague Regulations. Its pristine qualities have greatly deteriorated as a result of the allied "hunger-blockade" in the First World War and mass bombing techniques in the present war. These developments primarily affect combat conditions, but they influence as well the measures adopted by a hostile belligerent in occupied territory. During the last war, for instance, the Germans offered economic reprisal in retaliation for the British blockade as one of the reasons for removing machinery and tools from Belgium.

⁸ Humane treatment of civilians also stemmed partially from the devotion of the ordinary soldier, and particularly the officer, to the word of the law. His origin in a common law state strengthened this tendency.

⁹ See J. G. Randall, *The Civil War and Reconstruction* (New York, 1937), *passim*. The scandalous régime of General Butler in New Orleans, however, can by no means be considered typical.

where the inhabitants had not progressed far in developing their special brand of political nationalism. That was the case in Mexican territories in 1846, in Puerto Rico during the Spanish War; and it must be remembered that no American troops entered the German Rhineland in 1918 until after the armistice had been signed. Now this is highly significant. When the German, bent on conquest, sets his foot across the French or Russian frontier, he automatically sets off a chain of reactions which results in hatred, repression, and death. These three great Powers exist almost contiguously in an atmosphere of scarcely concealed suspicion. Each is maturely and belligerently aware of its national consciousness. The patriotic instinct of the civilians urges them to resist the German invader by sabotage, assassination, and all other possible means. To this the German replies with oppression, and so the vicious cycle runs its course. The United States has not been faced with such problems; this is another reason why our civil affairs policy *could* follow traditionally democratic lines. It should be pointed out, however, that when forced to deal with incipient nationalism in the Philippines, as represented by the Aguinaldo insurgents, the American military government cracked down hard in adjusting itself to this situation.¹⁰

A final feature which enabled the United States to maintain its enlightened concepts of military government is one that was partly shaped, partly fortuitous. When American armed forces occupied foreign soil, they frequently appeared as liberators. Of course this was not the case in all instances, but it was true of Cuba in 1898, of Dalmatia in 1918, of Sicily and Italy in 1943. This is our policy today toward the German-conquered countries of Europe and the Japanese-dominated areas in the Far East. The rôle of liberator meant much in the past, and it is to be hoped that it will mean fully as much in the future. A population that welcomes the invading forces is one that will quite readily bow to the order established by those forces, and it implies that the military government can afford

¹⁰ See J. Hopkins and M. Alexander, *Machine-Gun Diplomacy* (New York, 1928), *passim*. Examination of military government practice in the Philippines leads to important general considerations. It appears that a case could be developed historically to show that military governments tended towards severity when operating in backward regions if the purpose was to destroy the separate political entity of the territory, and permanently to bring it under the sovereignty of the occupant. Many examples are found in the overseas expansion of European states during the latter part of the nineteenth century.

to be lenient because the possibility of hostile acts against it are greatly reduced. Owing to such circumstances, a number of American military governments in the past enjoyed considerable success. In instances where the population under occupation did not regard American troops as liberators and consequently reacted adversely to military authority, strong action in civil affairs administration was necessarily employed as a counterweight. Such a situation arose in the ex-Confederate states during and after the Civil War as well as in the Philippines at the turn of the century.

In summary, American civil affairs policy in invaded regions was conspicuously benevolent, but this benevolence tended to turn sour on occasions, specifically in the Philippines, when the exigencies of military necessity demanded recognition. It is therefore pertinent to inquire further into the relationship between military necessity and the international laws and customs of war as they affect military government.¹¹

II. THE CONCEPT OF MILITARY NECESSITY

The military governor, writes Major General Allen W. Gullion, Provost Marshal General, is limited in the exercise of his functions "only by the laws and customs of war, and by such instructions as he may receive from higher authority."¹² To the cynic, the laws of war may appear simply as generally accepted usage, and lacking any higher sanction, they may be broken with impunity if reasons of state dictate. Americans have traditionally excoriated such a view, and have consistently acted in the profound belief—and fought for it—that international law is fundamentally a code of behavior with all the power of morality and legality behind it. In practice, American military governments have scrupulously observed the tenets of international law, but it is not surprising that

¹¹ We are not concerned here with the ultimate sanction behind military government, which is political, but focus attention upon the military instrument responsible for the establishment and administration of a civil affairs policy in occupied territory. The Hague Regulations, 1907, Section III, Arts. 42-56, "On Military Authority over the Territory of the Hostile State," codify the main body of written international law on the subject. The best recent treatment of the rules and customs of war as they apply to military government is E. H. Feilchenfeld, *The International Economic Law of Belligerent Occupation* (Washington, D. C., 1942). A brief but incisive analysis may be found in C. F. Barber, "Trial of Unlawful Enemy Belligerents," *Cornell Law Quarterly*, Vol. 29, No. 1 (Sept., 1943), p. 53 ff.

¹² "Military Government," *Coast Artillery Journal*, Vol. 86, No. 2 (Mar.-Apr., 1943), p. 22.

some deviations should have occurred, particularly in the matter of controversial rules. An illustration is found in President McKinley's directive of July 18, 1898, to the Secretary of War. The occupation of Cuba by American forces, according to the President, in effect transferred Spanish sovereignty over the island to the United States. This interpretation of jurisdictional relationships ran counter to the general usage of the nineteenth century with regard to the non-impairment of sovereignty by reason of belligerent occupation.¹³

On an elementary level, international law may be defined as those rules which have achieved approximate universality in guiding the behavior of states, and which are recognized as binding on the nations. This code is divided into two categories: written law, formalized in treaties or conventions, and unwritten law, commonly referred to as custom or usage.¹⁴ Custom derives from a number of sources, chief among them being interpretations logically deduced from written law, the practice of governments, decisions handed down by various tribunals, and opinions generally acceptable to authorities on international law. Both the written and unwritten rules constitute international law, and as such are binding upon states, unless exempted by specific reservations. Several nations, for instance, have made Article 44 of the Hague Regulations the subject of reservations;¹⁵ consequently, as among them, it does not possess the obligatory character of international law. International law is neither finite nor absolute, for it may at any time be modified by agreement among states; this may occur even between belligerents while hostilities are in progress.¹⁶

Only those rules of international law which apply to military

¹³ The doctrine of unaltered sovereignty was later clearly implied in the title of Section III, Hague Regulations, 1907, which reads: On Military Authority over the Territory of the Hostile State. *FM 27-10*, pp. 73-74, Art. 273, states that occupation "... does not transfer the sovereignty to the occupant. ..."

¹⁴ See *FM 27-10*, p. 1, Art. 3.

¹⁵ B. Aksin, *Data on Military Government in Occupied Areas*, Library of Congress, Legislative Reference Service (Washington, D. C., 1942), p. 6. Article 44 was reserved by Germany, Austria, Japan, Russia, and Montenegro (*FM 27-10*, p. 80, Art. 307). Article 44 reads: "It is forbidden a belligerent to force the population of occupied territory to furnish information about the army of the other belligerent, or about its means of defense."

¹⁶ It was not a legal barrier, for instance, which prevented the German and British governments from reaching an accord on maritime law which was being woefully abused by U-boat warfare and the off-shore blockade in the war of 1914. The reasons were political, and dictated by military necessity.

government are of concern here. More specifically, only those rules that deal with belligerent occupation of hostile territory have bearing on this subject.¹⁷ The primary body of formal, written law circumscribing belligerent occupation is comprised in Section III of the Hague Regulations, 1907, Articles 42-56.¹⁸ Although both groups of belligerents violated various articles of the Hague Regulations during the first World War, particularly the rules touching upon economic matters, none of the belligerents denounced the Regulations. Hence, they have survived to the present together with interpretations and accretion of custom subsequent to 1918. This war finds them badly battered, but still undenounced.

And they are still unreformed. Compiled in the nineteenth-century atmosphere of relative security, separated by centuries—and it was assumed forever—from brutal wars of physical extermination, reflecting the preoccupation with classical economic *laissez-faire*, the Hague Regulations manifestly are insufficient guides for military government today. Collectivism in varying degrees has replaced pure Manchesterian doctrine in our world; the war of extermination is a current reality.¹⁹ Section III of the Hague Regulations does not adequately take cognizance of changed world conditions, and this fact has a vital and direct bearing on military governments. As Feilchenfeld puts it, “when occupation practices became harsher . . . from 1914 on, many oppressive measures could be adopted without going beyond universally recognized rules of law, owing to the gaps in the Hague Regulations and their vagueness on important points.”²⁰ Even a casual diagnosis of German civil affairs policy in occupied countries, both in the war of 1914 and in this war, testifies to the unchallenged accuracy of this statement.

Convenient loopholes which can be exploited by occupying states admittedly exist in the Hague Regulations. On the other hand, certain restrictive rules that appeared as the quintessence of human wisdom in 1907 now seem intolerable, unrealistic, and are conse-

¹⁷ Belligerent occupation in the course of hostilities is only one form entailing the erection of military government. There are several other forms, such as occupation under an armistice, occupation of a neutral country by agreement, and so on. See B. Akzin, *Data on Military Government*, *passim*.

¹⁸ Authorities on international law are not agreed on the precise application of the Hague Regulations to post-armistice military governments.

¹⁹ Witness Poland.

²⁰ E. Feilchenfeld, *The International Economic Law of Belligerent Occupation*, p. 21.

quently disregarded. An example may serve to illustrate the point. The Hague Regulations prohibit an occupying belligerent to adopt policies causing fundamental changes in the institutions of the occupied country.²¹ In the first World War, the allies accused Germany of international delinquency because of attempted alterations in the political relationships between Flemings and Walloons then existing in Belgium.²² Yet Russia found it expedient to sovietize the eastern half of Poland in 1939-40. Germany has placed the stamp of political and economic totalitarianism upon her satellites and conquests. It is affirmed United Nations policy to eradicate fascism in Germany and Italy. Indeed, the Allied Military Government by decree recently abolished fascism in Sicily and the occupied provinces of Italy, not entirely for reasons of military necessity, but largely as a step in the execution of a definite political strategy. Undoubtedly the Hague Regulations were violated, but it seems clear that they are incompetent rules to encompass the exigencies of the current total war and world revolution.

Fixed by international convention, Section III of the Hague Regulations can be modified by agreement among states. This has not been accomplished for several reasons, inertia prominent among them. Meanwhile, a considerable body of interpretative rules on the rights and duties of occupying belligerents which stem from the Hague Regulations remain in a state of flux. Even apart from all controversial rules, it was previously indicated that the acknowledged laws and customs of war pertaining to military government are insufficient as they now exist to cope with present world conditions and modes of warfare. Speedy bombing planes, for instance, which cause devastation to the rear of the combat zone might well result in modifications of our present concepts of military government, because military necessity may make change imperative.

Nevertheless, these inadequate laws and customs are necessarily, for lack of anything more comprehensive, the immediate international regulations that give form to a military government and civil affairs policy. This grave situation elevates the concept of military necessity to a preëminent position, for by appealing to it in order to plug gaps in the law, emphasis is laid upon convenience and force rather than upon legality. In such a case, as for example

²¹ Hague Regulations, Section III, Art. 43. Also see F. Feilchenfeld, *op. cit.*, p. 77.

²² *Ibid.*, p. 89.

certain aspects of German civil affairs policy in Poland, the evident deterioration of legality can be purified by no theoretical exegesis, however vigorous.

Military necessity is one of the fundamental doctrines underlying the rules and customs of war. It is defined on the opening page of *FM 27-10* as that rule "under which, subject to the principles of humanity and chivalry, a belligerent is justified in applying any amount and any kind of force to compel the complete submission of the enemy with the least possible expenditure of time, life, and money." The Manual defines the equally important principle of chivalry as an injunction against treacherous conduct, and that of humanity as the prohibition "of any such kind or degree of violence as is not actually necessary for the purpose of the war." If one wished to chop logic, he could demonstrate that in the definition above, the clause "not actually necessary for the purpose of the war" could mean the application of force as required by military necessity. Hence, the principle of humanity would be subordinate to military necessity. Chivalry, too, is frequently a relative matter. The Germans consider soviet partisan tactics in occupied Russia dishonorable and treacherous. Moscow views the matter in a totally different light. To regard the interrelation between military necessity, humanity, and chivalry in the absolute and abstract is, however, as futile as it is unrealistic. Theory seldom resolves itself into reality. The interaction of these three principles has little concrete meaning on an abstract level; they must be considered against a historical background, or against a given set of particular conditions. Fortunately, the variety and elasticity of civil affairs problems handled by any relatively modern military government administration, but notably American, has permitted ample scope for the exercise of the principles of humanity and chivalry when politically desirable.

Ideally, military necessity operates within the framework of the laws and customs of war. But military necessity can easily conflict with those rules. The exigencies of a given situation may demand that they be interpreted with dubious legality or even violated outright. This danger seems especially strong in the case of a desperate state which, sensing defeat, believes that delinquencies will not appreciably increase the ultimate measures of retribution imposed by the victor.²³ On the other hand, a ruthless state confident

²³ Thus press reports indicate that in their retreat from Russia German forces compel undetermined numbers of Russian nationals to go along as a source of labor.

of victory might well indulge in violations, and rely upon the virtual immunity conferred on the victor after the war. It is conceivable that the fate of a campaign, an army, or even state, may rest in part, or perhaps wholly, upon military government measures that contravene the laws and customs of war. A cursory survey will show that many illegal German practices in Belgium during the First World War, such as establishment of concentration camps, were predicated upon demands of military necessity.

According to Major General Allen W. Gullion, Provost Marshal General, the primary objective of military government is "to help bring the war to a successful termination. The administration of military government is subordinate to military necessities involving operations, security, supply, transportation, and housing of our troops."²⁴ It is assumed that military necessity will always function within the confines of law; yet, as indicated above, this is a fallacious assumption. Contrary to custom, the Spanish employed concentration camps in Cuba during the revolt there in the last decade of the nineteenth century. British forces did the same during the Boer War. Britain unquestionably violated Section III of the Hague Regulations when in 1914 she subverted the allegiance of troops in Egypt believed loyal to the Turkish government. Article 52 of the Hague Regulations, which limits requisitions,²⁵ was notoriously violated by all belligerents in the Balkan Wars of 1911-13, and by the Germans in both major wars of this century.

Under Article 43 of the Hague Regulations,²⁶ occupying forces retain the right, and are under obligation, to maintain law and order. Beyond this civil function, occupants may issue regulations to cover legitimate military requirements, although no express powers for this purpose are granted in the Hague Regulations. These administrative, legislative, and police regulations, as Feilchenfeld aptly points out, extend "over practically all fields of life."²⁷ Rules affecting allegiance, sovereignty, and private property impose

²⁴ Major General Allen W. Gullion, "Military Government," *op. cit.*, p. 22.

²⁵ Article 52 reads as follows: "Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in the operations of the war against their country."

²⁶ Article 43 reads: "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

²⁷ E. Feilchenfeld, *The International Economic Law of Belligerent Occupation*, p. 86.

some limitations upon the power of regulation, but where no checks exist the scope of government enlarges under the concept of military necessity. Even the presence of legal checks is no insurmountable deterrent, as the examples cited in the preceding paragraphs make clear. The requirements of military necessity, functioning within a certain set of specific conditions, are the only logical terminus to the extension of authority in a military government. In practice, this logic is rarely driven to its extreme; for even the most calloused international delinquent pays a measure of lip service to law, and there remains always the possibility of reprisal. National policy, humanity, and particular circumstances can be, in addition, very powerful formative factors. The primary check to an intolerable expansion of oppressive authority in an occupied country by means of military government derives from the general recognition in modern times that it best serves the long-range interests of belligerents not to push the doctrine of military necessity to extremes and identify it with unadulterated, brute force.

It is fortunate that such practical deterrents to the demands of military necessity actively assert themselves in moulding the form of military government. Yet it would be unrealistic to suppose that a state would be willing to act strictly in accord with the laws and customs of belligerent occupation if ultimate victory or defeat, with the tremendous implications they connote in total war, thereby hung in the balance.

III. SPECIFIC POWERS UNDER INTERNATIONAL LAW

The history of American military governments discloses that the United States was enabled by circumstances to follow its humanitarian impulses and, with rare exceptions, avoid driving the principle of military necessity to its logical conclusion. This cannot be interpreted as an indication of soft moral fiber, but the contrary; for it requires a stout heart and a sure belief in one's destiny to be magnanimous in the emotional and physical stress of war. In conducting military governments, the armed forces of the United States frequently did not, surprisingly enough, utilize all the powers available under international law, although no question of legality could have been raised. It is not generally realized how vast is the legal arsenal inherent in the laws and customs of war which the United States possesses in common with other nations for the establishment and administration of a military government on hostile soil. To review a few of these specific powers is to recognize their immense scope.

In military government, the maintenance of order is secondary to the principal object, namely, "to provide for the security of the invading army and to contribute to its support and efficiency and the success of its operations."²⁸ Theoretically, all governmental functions of the invaded area cease upon occupation; in practice, however, they continue under the supervision or with the active participation of the occupier. American practice relies heavily on local officials who discharge their functions under Army supervision. Although the military governor, who is the theater commander, may delegate his duties to a subordinate, he has the right to "suspend existing laws and promulgate new ones" as military necessity demands.²⁹ The sovereign ownership of the territory in question is not affected, but the right to exercise full control for the duration of the occupation is conferred on the invading force.³⁰ The occupant has the indisputable right, among other things, to regulate commerce, control transport and communications, censor private mail, and suspend the local press entirely if deemed advisable. Labor can be requisitioned in the occupied region, but inhabitants cannot be forced to work on projects which would involve them in military operations against their own country.³¹ The occupying authorities are empowered to collect taxes and other revenues. The first charge upon those revenues is the costs of administration, but the remainder is completely at the disposal of the invader. Looting and plunder, as systematized by the Nazi army, is, of course, illegal.

Obedience from the civilian population can be demanded and if necessary enforced by the military governor, in order to provide for the security of his forces, to maintain order, and to facilitate administration. Basic requirements of the population are not overlooked; for, apart from humanitarian considerations, historical experience proves it unwise to drive a people to desperation. Voluntary coöperation of the inhabitants and the demands of security are more readily achieved by a civil affairs policy which concerns itself with the essential necessities of the people. Beyond providing for basic needs, as food, water, and clothing, it is the American rule

²⁸ *FM 27-10*, p. 76, Art. 285.

²⁹ *Ibid.*, pp. 76-77, Arts. 286 and 288.

³⁰ *Ibid.*, pp. 74-75, Art. 273.

³¹ Hague Regulations, Section III, Art. 52. Also see *FM 27-10*, p. 79, Art. 303. Requisition of services is limited to the needs of the army of occupation. This is entirely different from the illegal German practice of drafting labor in occupied countries for work in Germany. The German argument that labor in Germany indirectly supports the army of occupation does not cover the point in law. To argue that such labor is voluntary is only a thin disguise. On the question of labor, see E. Feilchenfeld, *The International Economic Law of Belligerent Occupation*, pp. 12, 19, 91-92.

to respect religion, morality, the sanctity of domestic relations, and to protect the individual.³² Humane treatment by the occupant, however, obligates the population in several ways.³³ Although the question of fidelity is in no way involved, for only a naïve invader would expect more than toleration, the enemy people must behave peacefully, obediently, and commit no hostile acts which would endanger the lives of occupying forces or their administration, or impair their military operations.

Now all this is ideal, and if it functioned in reality as well as in blueprint, the problems of military government would, to a degree, correspond to the ordinary difficulties of civil administration, with the great difference that the military governor must frequently contend with a war-wasted area and superimpose his government on that already existing. However, restiveness rather than docility is characteristic of an enemy people under occupation, and particularly so if, in a stage of high national development, the occupied region forms only a portion of the belligerent state. Patriotic sentiment then may well express itself in underground resistance, which, in its manifold forms, must be dealt with by the military governor and his chain of subordinates.

Passive resistance, in some cases more theatrical than effective, usually disturbs the occupying forces but little. It is when the inhabitants under occupation resort to overt acts of sabotage and espionage, circulate hostile propaganda, and aid prisoners of war to escape that the military government must proceed with firm measures. Such acts, patriotic on the one side, are termed war treason³⁴ under the laws of war, punishable by death after trial, "although a lesser penalty may be imposed."³⁵ Resisting civilians, whether they are termed marauders or armed prowlers, are not entitled to treatment as prisoners of war if captured; for, the nature of their crimes being outrageous, the military court is empowered to hand down a death sentence. United States practice does not recognize as lawful belligerent guerillas masquerading behind the

³² *FM 27-10*, p. 78, Art. 300. Protection of the individual and respect for private property does not preclude the appropriation of property, such as houses, for temporary and military use, and the invader reserves to himself the right of taxing both people and property as well as levying forced loans (*ibid.*, p. 83, Art. 325).

³³ *Ibid.*, p. 78, Art. 301.

³⁴ Authoritative opinion on the question of war treason is still in a state of flux. American and British field manuals employ the term.

³⁵ *FM 27-10*, p. 89, Art. 357. Also see pp. 59-60, Art. 205-214; and p. 87, Art. 350.

lines as peaceful citizens; they, too, are subject to the death penalty.³⁶

Should civilians in an occupied region launch a program of nocturnal assassination directed against the occupying forces, or other acts equally criminal, the military government has the right to execute the individual culprits. If they cannot be apprehended, the military governor may under the law of reprisal take hostages to guard against the continuation of unlawful acts.³⁷ Such hostages "may be punished or put to death if the unlawful acts are nevertheless committed."³⁸ American practice does not prohibit mass penalties by way of reprisal, and these "collective punishments may be inflicted either in the form of fines or otherwise."³⁹ Where the guilty individuals cannot be identified, tried, and punished, the military government, after careful inquiry, possesses authority to burn "villages or houses, etc., . . . for acts of hostility committed from them."⁴⁰ Punishments of this sort are the military governor's redress under international law for war crimes committed against his forces or administration in the occupied district.

Guerilla operations, or even outright rebellions in occupied territory, do not legally affect the authority of the military government, provided it takes prompt and effective measures to suppress them.⁴¹ In fact, the resisting persons, being violators of the laws of war, are no longer entitled to protection under those laws.⁴² They are termed "war rebels," and when captured are subject to the death penalty even if the revolt originated in a summons to arms by the exiled government.⁴³ However, American interpretation recognizes the *levée en masse*,⁴⁴ but under modern conditions of warfare a general uprising would indeed be the result only of utter desperation or burning hope of liberation. In the event of a *levée en masse*, the armed forces in occupation face two alternatives. They can elect to evacuate, thereby terminating the occupation and military government. Military strategy and necessity do not always leave this course open, because retreat might cut off communi-

³⁶ *Ibid.*, pp. 87-88, Art. 351.

³⁷ *Ibid.*, p. 89, Art. 358.

³⁸ *Ibid.*, pp. 89-90, Art. 358, d.

³⁹ *FM 27-10*, p. 90, Art. 358, e. Also see p. 86, Art. 344.

⁴⁰ *Ibid.*, p. 90, Art. 358, e.

⁴¹ *Ibid.*, p. 75, Art. 280.

⁴² *Ibid.*, p. 5, Art. 12.

⁴³ *Ibid.*, p. 87, Art. 349. The same penalty is applicable "in event of conspiracy to rebel, whether or not such conspiracy shall have matured by overt act of hostility" (*ibid.*, Art. 349).

⁴⁴ *FM 27-10*, p. 75, Art. 280.

cations with troops in forward areas.⁴⁵ In such a case, the military government can choose to hold its ground and attempt to smash the uprising. That, of course, means a general blood-bath.

It must be emphasized that these enormous powers enjoyed by military governments under the rules and customs of war are not peculiar to the United States, but are for the most part internationally recognized as legitimate applications of military force necessary at times to accomplish a mission.⁴⁶ To possess and to employ these powers, however, are two very different things. In the hands of an unscrupulous, ruthless state, engrossed with logic to the exclusion of humanity, they can become the instruments of oppression. Evidently Germany has so utilized them. Although the Nazis might brief a legal case for the razing of Lidice, for example, it nevertheless remains an instance of that kind of heartless terror which only breeds a counter-terror nourished by despair and vengeance.

On the contrary, American military governments, with rare and regrettable exceptions, have borne the stamp of enlightened benevolence. As Americans, we are grateful for and proud of this record, particularly since it is obvious that the tradition is being furthered at present in the activities of AMG. Liberals of the left who in this country deplore and criticize the conduct of civil affairs in Sicily and Italy by the Allied Military Government tend to overlook its exceptionally humanitarian aspects, and furthermore to confuse political with military issues. Whatever the actual form—and this is by no means clear—of American military government on the Continent once *Festung Europa* is breached from the west, United States forces will land as liberators. With this overwhelming initial advantage in our favor, we can rest assured that the liberal tradition of American military government will not be jettisoned.

⁴⁵ This is well illustrated by the German position in Yugoslavia today. Under the leadership of Marshal Josip Broz, certain areas of that country appear to be in a state of *levée en masse*. These districts have not been permanently abandoned by the Nazis. The Germans elected to stay, not only because withdrawal would weaken their political position, but also because a retreat would cut off communications with their forces along the Adriatic and parts of the northern Mediterranean.

⁴⁶ Notwithstanding the tremendous scope of these legal powers, actual practice in military government has consistently grown harsher since the beginning of the century. This tendency has accelerated since 1939, finding convenient gaps in the Hague Regulations through which the requirements of political strategy and military necessity can assert themselves. See Feilchenfeld, *op. cit.*, *passim*, but especially p. 24.

THE DIRECTION OF SUPPLY ACTIVITIES IN THE WAR DEPARTMENT; AN ADMINISTRATIVE SURVEY, II

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V

Interestingly enough, in the extensive consideration given to War Department reorganization immediately after World War I, almost no attention was paid to the possible value of the S.O.S., A.E.F., experience. Three thousand miles behind the A.E.F., in Washington, it may have seemed that there was little to distinguish between the Services of Supply and the Purchase, Storage, and Traffic Division of the General Staff with its accumulation of hostile reaction.

In August, 1919, the General Staff of the War Department presented its version of desirable legislation for the reconstitution of a peace-time Army. The measure provided for a General Staff Corps to consist of a Chief of Staff with the rank of General, five assistants to be detailed from the general officers of the line, five Brigadier Generals, and 220 other officers. The bill provided that the Chief of Staff should have "supervision of all agencies and functions of the military establishment" under the direction of the President or the Secretary of War; and it went on to provide that "the Chief of Staff shall be the immediate adviser of the Secretary of War on all matters relating to the Military Establishment, and shall be charged by the Secretary of War with the planning, development, and execution of the war program. The Chief of Staff, by authority of and in the name of the Secretary of War, shall issue such orders as will insure that the policies of the War Department are harmoniously executed by the several corps, bureaus, and other agencies of the Military Establishment, and that the Army program is carried out speedily and efficiently."

These provisions are of interest because of their obvious intention that the General Staff should play an active rôle in the administrative direction of the War Department. Indeed, the bill contained a clause defining the rôle of the General Staff as one of assisting the Secretary of War, the Chief of Staff, and General Officers in investigating and coördinating "the action of all the corps, bureaus, and agencies of the War Department." A considerable part of the

lengthy hearings conducted by the House and Senate military affairs committees naturally centered on the question of the proper rôle of the General Staff in the organization and operation of the Department.

In the course of this debate, it was inevitable that the work of the Purchase, Storage, and Traffic Division of the General Staff during the war should come in for considerable comment. The chiefs of the supply bureaus were virtually unanimous in their condemnation of the powers exercised by the General Staff during the war, and more particularly during the last year thereof. Major General C. C. Williams, Chief of Ordnance, told the House Committee on Military Affairs that the Purchase, Storage, and Traffic Division "did not improve it in the slightest. I think I may say, so far as the Ordnance Department is concerned, that not one single constructive thing has come out of the Purchase, Storage, and Traffic Division. We have had much unnecessary interference."²⁰

Major General W. M. Black, Chief of Engineers,¹ was equally vigorous in his criticism of the General Staff. This time the criticism took the form, however, of opposition to giving the President, which to the Chief of Engineers meant the Chief of Staff, wide discretion in organizing the peace-time Army.²¹ Colonel C. O. Sherrill, of the Corps of Engineers, criticized strongly the concept that the General Staff should have important powers of administration. He felt that untrained General Staff officers had a tendency to reach out and bring under their own direct control administrative operations that properly belonged elsewhere.²²

The most restrained and at the same time generally theoretical criticism of the World War General Staff was given the committee by Major General W. L. Sibert, Director of the Chemical Warfare Service. General Sibert declared:

... "And it seems to me that the attempt of the General Staff, through the Purchase, Storage, and Traffic Division, to interfere with or take over largely the administration of the bureaus, is due to a misconception of the real supply problem. The supply problem of the Army naturally divides itself into three phases. One is the determination of the kind and quantity of equipment that should be furnished to troops; that is purely a military proposition, and not only the kind and quantity but the way in which it

²⁰ U. S. Congress, House of Representatives, Committee on Military Affairs, *Hearings before . . . on Army Reorganization*, 66th Cong., 1st Sess. (1919), p. 493.

²¹ *Ibid.*, p. 765.

²² *Ibid.*, p. 793.

should be supplied—the automatic and the reserve supply. The second has to do with the manufacture and storage of this equipment and supplies, and is purely an industrial or commercial proposition. The third phase has to do with the movement of the equipment from storage to the troops, whether in the field or garrison, and that again is a military proposition.

"Now, the function of the bureaus is to perform the second phase of this problem; that is, it is to manufacture and procure and put in storage those supplies and equipment that the General Staff has decided to be necessary; and if it is in storage in the manner specified, then the Service of Supply will take it and get it to the troops. . . . I consider the greater part of the work being done by the P., S. and T. a duplication of work, and the tendency is to cut the chief of the bureau out of the control of his bureau. For instance, I received some time ago an order which stated that the purchase officer in my bureau would appoint a purchase board to advise him on all matters of general policy concerning purchases, and that that board would make daily reports to the P., S. and T. In other words, it practically took from the head of the bureau the control of purchases and gave it to a subordinate in that bureau."²³

Only one or two officers from the much-criticized General Staff Purchase, Storage, and Traffic Division appeared to defend its activities. Major General G. W. Burr, who, when he appeared on September 26, 1919, before the House Committee on Military Affairs, was Director of Purchase, Storage, and Traffic for the General Staff, explained:

"As far as the supply organization is concerned, I do not think the setting up of the General Staff in 1903 materially affected the organization. The semi-independent supply bureaus and staff bureaus increased, if anything, in power. The difficulty with our organization at the time we went into the war was that in each one of these bureaus the older officers and the bureau chiefs seemed to look upon each of their bureaus as a little army by itself—the bureau chiefs did not have the broad view that was necessary. Take the matter of wool and woolens. The Quartermaster Department, the Ordnance Department, the Signal Corps, and the Medical Department were buying wool and woolens. They were competing with each other. It became necessary for some central authority to secure all the wool of the country and then to allocate it.

"As another instance, they were all buying motor trucks. The Quartermaster Department decided on the Liberty truck, but none of the other departments would have anything to do with it. Each one of them bought its own motor cars as long as it was permitted to do so."²⁴

²³ *Ibid.*, pp. 557–559

²⁴ *Ibid.*, pp. 448–449.

Brigadier General Frank T. Hines, head of the Transportation Service, defended the General Staff, and more particularly the Purchase, Storage, and Traffic Division, by saying that it had taken over operating responsibilities in order to get the job done. He did not deny that the General Staff had served as an operating agency, but he argued that this had been the only way to get supplies into the hands of troops and overseas without extensive internal reorganization of the supply bureaus. There had not been time for such reorganization, and there was no assurance that a rearrangement of responsibilities within the supply bureaus would have brought about the necessary reforms.²⁵

The most complete and dispassionate exposition of General Staff theory presented to the House Committee on Military Affairs was given by Colonel John McA. Palmer, at that time Director of the War Plans Division of the General Staff, and formerly a member of the staff at General Headquarters, A.E.F. Colonel Palmer expressed the opinion that the act of 1903 really created two distinct agencies inside the War Department—a planning agency, which was the General Staff Corps, and an executive agency, which was the Chief of Staff acting under the authority of the Secretary of War. Colonel Palmer, however, did not carry this thesis on to the point of answering the question whether the General Staff, as the Chief of Staff's administrative instrument, could assist the latter in the exercise of his executive authority.²⁶

Colonel Palmer asserted that one of the principal causes for confusion of thought about the General Staff was an inadequate understanding of what a General Staff was supposed to be. He declared that in relying upon the German precedent, we had mistranslated the German word *Generalstab*. To us, the word meant in English "General Staff," but Colonel Palmer insisted that the word really meant "General's Staff," or "Generalship Staff," or "Tactical Staff."²⁷ In other words, Colonel Palmer was suggesting that the real scope of General Staff activity should be planning operations rather than administrative supervision of various supply activities.

When it came to applying his principle to specific questions, Colonel Palmer defined the rôle of a G-4 (supply) branch of the General Staff as a concern with supply operations from the tactical point of view. It was not the job, he believed, for a G-4 officer to supervise or to operate the Supply Services. Like others, Colonel

²⁵ *Ibid.*, p. 994.

²⁶ *Ibid.*, p. 1192.

²⁷ *Ibid.*, p. 1230.

Palmer identified the difficulties with inadequate training of General Staff officers. An untrained officer as head of G-4 was likely to believe that it was his job to do the Quartermaster's work for him. G-4 should give only such orders to the services in the rear as would enable them to perform what was expected of them. There should be no more staff interference in operations "than necessary."²⁸

The one mention of the work of the Services of Supply, A.E.F., to the House committee in some 2,200 pages of testimony was made by Major General James W. McAndrew, at the time of his appearance Commandant of the General Staff College, and from July, 1918, to May, 1919, Chief of Staff to General Pershing. General McAndrew referred to the existence of the Services of Supply, but mentioned no details about its operations and did not suggest that there was any precedent in its existence that might be of value to War Department reorganization. Indeed, the General implied that headquarters, A.E.F., had dealt with Services of Supply entirely through G-4²⁹—an interpretation, no doubt, with which General Harbord would scarcely have agreed.

Aside from Colonel Palmer's suggestive thesis, which he did not develop, that the Chief of Staff had executive responsibilities, while the General Staff Corps had only planning functions, no one seemed to identify the real problem facing War Department organization. This problem, stated simply, was this: What kind of organization was the Secretary of War and his military aide, the Chief of Staff, to have in exercising administrative supervision over the work of the supply and administrative services of the War Department? If the General Staff could not appropriately exercise administrative supervision, what organization was expected to provide such supervision?

No doubt the bureau chiefs would have replied that no supervisory authority was necessary. They would each separately report to the Chief of Staff and the Secretary of War. All the supervision they required could be exercised personally by those two individuals. Apart from the defense of General Staff operations during the war, no effort was made before either committee on military affairs to argue the need for peace-time supervisory organization of some size, enabling the Chief of Staff effectively to exercise direction over the supply and administrative bureaus.

The problem of a supervisory administrative organization ap-

²⁸ *Ibid.*, p. 1233.

²⁹ *Ibid.*, p. 2678.

peared in a different context. The Assistant Secretary of War, Mr. Benedict Crowell, appearing before the House Committee on Military Affairs, argued that the functions of the War Department could be divided into two principal elements—the military functions and the supply functions. Naturally, the Secretary of War should be the director of both; but he should have separate advisers for each activity. In Mr. Crowell's judgment, the head of the military establishment, presumably the Chief of Staff, should advise the Secretary of War on all military matters, but only on military matters. "He should have no authority whatever over industrial matters." There should be a Munitions Department whose head would advise the Secretary on all matters relating to the supply of the Army. The orders about the military establishment would be handed down from the Secretary of War through the Chief of Staff. The orders about munitions supply would be handed down from the Secretary to the proper bureaus through the Chief of Munitions.³⁰

Mr. Crowell based his proposal upon his belief that only industrialists could provide the ability, experience, and skill necessary to the procurement and production of munitions. He felt that an officer of the Army would only rarely be found fitted to head a great supply organization. Mr. Crowell desired to have the title of the Assistant Secretary of War changed to Under Secretary, or to Director of Munitions. This official should have authority to standardize procurement and redistribute purchasing responsibilities among the supply arms and services.³¹

The Secretary of War, on the other hand, differed from the Assistant Secretary. Mr. Baker told the House Committee that he could not share Mr. Crowell's belief that a man of great business experience, a captain of industry, could be obtained for the position of Assistant Secretary of War during peace-time. Army officers had a permanent position in the War Department and they, the Secretary felt, should have the responsibility for bureau supervision in time of peace.

The Secretary argued against the proposal to assign the Assistant Secretary of War the procurement responsibilities for administrative reasons. He told the committee that a statutory assignment

³⁰ U. S. Congress, House of Representatives, Committee on Military Affairs, *Hearings before . . . on Army Reorganization*, 86th Cong., 1st and 2nd Sess., Vol. II, p. 1803.

³¹ *Ibid.*, p. 1804.

of duties to the Assistant Secretary of War would interfere with the freedom of the Secretary of War to assign such responsibilities as he saw fit to his civilian subordinates. He pointed out, for example, that if the Secretary of War should happen to be an industrialist rather than a lawyer, there was a distinct possibility that the Secretary would want to supervise the procurement operations of the War Department himself and to have as Under Secretary a lawyer looking after the legal problems or some other aspects of the War Department's business.³²

At no time in the exposition of his proposal did Assistant Secretary Crowell describe his war-time relations to General Goethals, the Director of Purchase, Storage, and Traffic. The implication was that during the course of the war such matters as General Goethals thought needed the personal attention of the civilian leadership of the War Department were referred to Mr. Crowell. General Staff organization and operation during the World War made it plain that the real supervision and direction of supply activities had rested with the Purchase, Storage, and Traffic Division of the General Staff. Mr. Crowell's relationship would seem to have been a personal one between himself and General Goethals rather than a relationship of a considerable administrative organization under his own personal direction exercising supervision over supply activities. Certainly the animosity of the bureau chiefs was directed toward the General Staff, and not toward the rôle played by Mr. Crowell as Assistant Secretary of War and Director of Munitions.

In any event, the new National Defense Act as passed by Congress and approved by the President on June 4, 1920, provided in Section 5a:

"Hereafter, in addition to such other duties as may be assigned him by the Secretary of War, the Assistant Secretary of War, under the direction of the Secretary of War, shall be charged with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of material and industrial organizations essential to war-time needs. . . ."

Section 5 of the act as amended provided that the Chief of Staff should preside over the War Department General Staff, and under the direction of the President or the Secretary of War should see that the General Staff made "necessary plans for recruiting, or-

³² *Ibid.*, p. 2106.

ganizing, supplying, equipping, mobilizing, training, and demobilizing the Army of the United States, and for the use of the military forces for the national defense." The General Staff was to prepare plans for the national defense and for the use of the military forces. The section also provided that the General Staff should investigate and report upon all questions affecting the efficiency of the Army of the United States and its state of preparation for military operations. Furthermore, the General Staff was to present plans for the mobilization of the manhood of the nation and its material resources in an emergency. Finally, the General Staff was to render professional aid and assistance to the Secretary of War and the Chief of Staff.

Section 5, however, did not repeat the provisions of the 1903 organic legislation, which had specifically provided that the General Staff should act as agent of the Secretary of War and of general officers and superior commanders in informing and coördinating the action of all officers subject to supervision by the Chief of Staff. These words were repeated as part of the responsibility of the General Staff with troops. The 1920 legislation did go on specifically to provide that the General Staff was not to exercise administrative responsibilities. The size of the War Department General Staff was limited to 88 officers in addition to the Chief of Staff and four assistants, who were to be general officers.

In accordance with the provisions of the amendments to the National Defense Act of June 4, 1920, General March, as Chief of Staff, organized the War Department General Staff into four divisions—Operations, War Plans, Military Intelligence, and Purchase, Storage, and Traffic, which in 1920 was called simply "supply."

War Department General Orders No. 48, in August, 1920, gave to the Assistant Secretary of War responsibility for supervising the purchase and lease of real estate, the purchase of supplies and equipment, the formulation of plans for industrial mobilization, the compilation of statistical data, the settlement of claims, and the sale of surplus property. The orders contained an ambiguous phrase providing that in issuing orders to the Supply Arms and Services "the Assistant Secretary will use the same methods of communication as used by the Secretary of War in communicating his directions to the various branches of the Army."

Since the Secretary of War communicated with any part of the War Department only through the Chief of Staff, this provision

implied that the Assistant Secretary would do likewise. This provision further suggested that for staff assistance the Assistant Secretary of War would rely upon the Supply Division of the General Staff. Indeed, the statement of duties for the Supply Division included certain specific duplications with those given the Assistant Secretary of War. The Division was to supervise the purchase and lease of real estate and to formulate plans "for the mobilization of *matériel* and of the industrial and transportation activities of the country." Conflict in this overlapping assignment could be avoided, of course, if the Assistant Secretary operated through G-4. Thus at the very beginning of the history of the act of June 4, 1920, there was evidence of difficulty in defining the respective rôles of the Assistant Secretary and the Supply Division of the General Staff.

On July 1, 1921, General John J. Pershing became Chief of Staff. Six days later, in Special Orders No. 155, he created a board of seven officers, headed by Major General James G. Harbord, to study the organization of the War Department General Staff. Specifically, the Board was requested to report on the relations of the General Staff to the Adjutant General's office on personnel matters, and with the Office of Assistant Secretary of War on supply matters. Furthermore, the Board was to consider the "advisability of changing the titles of several divisions of the General Staff to conform to those used in the A.E.F. and authorizing shorter designations."

The work of this board was of the greatest significance to the organization and operation of the General Staff from 1921 to 1942. On the question of general organization, the Board recommended that the General Staff should consist of five divisions—Personnel, Intelligence, Operations and Training, Supply, and War Plans. The first four of these were to be labeled respectively G-1, G-2, G-3, and G-4. War Plans Division was to be known by its initials WPD. The board defined the duties of the Chief of Staff as those of adviser to the Secretary of War on "all matters relating to the military establishment and is charged by the Secretary of War with the planning, development, and execution of the Army program. . . . As the agent, in the name of the Secretary of War, he issues such orders as will insure that the plans of the War Department are harmoniously executed by all branches and agencies of the military establishment and that the Army program is carried out speedily and efficiently."

On the subject of procurement operations, the Harbord Board drew a sharp distinction between the military aspects of supply and

the industrial aspects of procurement and production. The Board proposed that the Supply Division G-4 of the General Staff be charged with responsibility for preparing basic supply plans for the development of new weapons, for preparing the budget, and for supervising the transportation, distribution, and storage of supplies. All questions about the characteristics and requirements of Army supply were the problems of G-4 Division of the General Staff. All decisions on "business or industrial questions" in the supply program were to be the province of the Assistant Secretary of War.

Two things were especially noteworthy about the recommendations of the Harbord Board. In more than general organization and designation of divisions did the General Staff as thus proposed resemble the General Staff of the American Expeditionary Forces. In every provision was to be found an emphasis upon the coördinating and supervising rôle of the General Staff. Despite the failure of the 1920 law to give the General Staff supervisory powers, the Harbord Board's recommendations envisaged real power and authority for the General Staff over administrative operations. In the second place, the Harbord Board by no means ruled the General Staff out of the supply aspects of War Department operation. Rather, it attempted to draw a distinction between the military aspects of supply and the business or industrial aspects of supply.

The recommendations of the Harbord Board were accepted *in toto* by General Pershing and immediately resulted in the issuance of War Department General Orders No. 41, August 16, 1921.

VI

It was to be expected that the General Staff after 1921 should be influenced primarily by the personality and beliefs of General Pershing and the precedent of A.E.F. General Staff operations. Indeed, the terms of reference given to the Harbord Board specifically indicated that the experience of the A.E.F. was to be the guiding light in setting up the organization and operations of the War Department General Staff. Moreover, the presence of General Pershing as Chief of Staff, with his title (conferred upon him by Congress) of General of the Armies, settled the issue of the position of the Chief of Staff in the military hierarchy. There were no longer any officers in a position to dispute the supreme authority of the Chief of Staff.

The influence of A.E.F. precedent upon War Department Gen-

eral Staff was principally evident in emphasizing the supervisory and coördinating responsibilities of the General Staff. The War Department General Staff was more than a planning agency. In the A.E.F., the General Staff had exercised important powers in supervising the execution of the orders of the Commander-in-Chief. The War Department General Staff was expected to operate similarly. Planning was, of course, recognized as one of the major responsibilities of the General Staff, but it was not that staff's *only* responsibility. Administrative supervision and coördination were stressed even more, despite the provisions of the National Defense Act that might have been interpreted to deny the staff this authority.

Military texts during the 1920's and 30's laid considerable stress upon the supervisory authority of the General Staff. It is true that they were always careful to insist that the General Staff was not an operating agency—but neither did the texts suggest that the proper rôle of the General Staff was merely one of planning. A text on military organization published by the General Service Schools in 1925 stated:

"The General Staff coördinates, supervises, and controls the technical and administrative branches by reason of its special knowledge of plans, tactical principles, and tactical situations. It does not operate these agencies. In exercising this General Staff control, non-interference is the governing principle. Coördination only is necessary when the decision will affect two or more branches, or when the decision affects the tactical situation."³³

More particularly in discussing the rôle of General Staff with troops, military authorities insisted that the rôle of the General Staff included administrative responsibilities.

"The duties of the General Staff with troops shall be to render professional aid and assistance to the general officers over them: to act as their agents in harmonizing the plans, duties, and operations of the various organizations and services under their jurisdiction, in preparing detailed instructions for the execution of the plans of the Commanding Generals, and in supervising the execution of such instructions."³⁴

The administrative rôle of the General Staff was rationalized in

³³ *Military Organization of the United States*. (Fort Leavenworth: The General Service Schools, 1925), pp. 41-42.

³⁴ *Command, Staff and Logistics* (Fort Leavenworth: The Command and General Staff School, 1934), p. 14.

terms of a long-accepted military doctrine—that of a limited number of men who could be supervised by any one individual. The growth in the number of administrative officers, such as the Adjutant General, Judge Advocate, Finance Officer, Chaplain, and the separate supply officers—Ordnance, Quartermaster, Medical, Engineer, Signal Corps, Chemical Warfare—tended greatly to enlarge the staff agencies of a Division Commander. There was only one solution:

“It is quite apparent, and has been definitely established by experience in war, that the division commander cannot, as an habitual thing, deal directly with the heads of all these combatant branches and staff agencies, coördinate and regulate their activities so as to insure combined action, and at the same time give the necessary attention to the broader phases of his duties as a commander. Therefore, he needs a small force of experts to coördinate and direct the various activities. Expressed in greater detail, he needs a small group of specially trained officers who are in intimate contact with him and conversant with the workings of the whole military machine and who can furnish him full information upon which to base his decisions and formulate his plans. These officers, then, in close coöperation, can work out the plans enunciated by him and formulate the orders and instructions for putting these plans into execution, thus insuring combined action by all members of the team and, by inspection and observation, see that these plans and orders are properly executed.”²⁵

In reviewing the history of the General Staff in his final report as Chief of Staff in 1930, General Summerall noted first the difficulties of War Department organization in 1917, which he identified as (1) inadequate organization for directing a general mobilization of the national manpower, and (2) a lack of organization for coördinating the procurement, storage, and distribution of supplies.²⁶ General Summerall described again the conditions that had existed at the outbreak of war in 1917. With five separate supply agencies, each with its own independent system of storage and distribution, there had been competition for resources, facilities, and personnel. Each supply agency shipping independently to the ports had brought about congestion on the Atlantic seaboard with a shortage of freight cars in the rest of the country. In this situation, resort was had to the “dormant coördinated powers” of the General Staff.

²⁵ *Ibid.*, p. 17.

²⁶ “Final Report of the Chief of Staff, November 20, 1930,” *Report of the Secretary of War to the President*, 1930, p. 107.

"The evils in administration which had resulted in a near collapse of our war effort were promptly removed."³⁷

In his description of the functions of the General Staff in 1930, General Summerall was quite explicit:

"The functions of the General Staff present a twofold character: First, to make the plans and policies necessary to the development of our forces and the general national preparedness for an emergency; and second, to coördinate the action of the several subordinate agencies affected thereby to the end that the accomplishment of the general objectives contemplated is assured."³⁸

The Supply Division G-4 of the War Department General Staff illustrated well how far the General Staff as a whole was called upon to fulfill the need for an administrative organization with co-ordinating and supervising responsibility. In 1926, G-4 was divided into five branches—Finance, Equipment, Construction, Supply, and Transportation. Its activities included the preparation of expenditure estimates for the military establishment, the direction of transportation activities, approval of tables of equipment and basic allowances, control of the distribution and issuance of supplies, direction of the movement of supply troop units, approval of all leases and licenses, approval of all new types of equipment, direction of construction activities, and direction of quantities and types of *matériel* to be purchased. In peace-time, for an Army the size of that maintained by the United States during the 1920's and 30's, this work was not very extensive. But the authority in directing and supervising the work of the supply arms and services exercised by G-4 was very real.

The only important threat to the power and influence of the General Staff on the supply side of War Department administration was the power vested by the National Defense Act of June 4, 1920, in the Office of the Assistant Secretary of War. That act, it will be recalled, had specified that thereafter the Assistant Secretary was to have as one of his responsibilities the supervision of the procurement activities of the War Department and the responsibility for planning the mobilization of the industrial resources of the nation for the eventuality of war. As already noted, the Harbord Board had considered as one phase of its problem the division of responsibility between the General Staff and the Office of the Assistant

³⁷ *Ibid.*, p. 114.

³⁸ *Ibid.*, p. 109.

Secretary of War. This dividing line had been fixed between planning equipment to be purchased, the actual process of procurement, and the storage and distribution of supplies. The first and third were responsibilities of the General Staff, which meant more particularly G-4 Division of the General Staff; the second administrative responsibility belonged to the Office of the Assistant Secretary of War. The actual operations of all three phases of supply activity remained with the supply arms and services. In other words, the Ordnance Department, the Quartermaster Corps, the Corps of Engineers, the Medical Department, the Signal Corps, the Chemical Warfare Service, the Air Corps, and the Coast Artillery Corps on supply questions had two bosses. On certain phases of their work, they had to look for direction and guidance from G-4. On other phases, they must look to the Office of the Assistant Secretary of War.

In theory, the dividing line between G-4 and the Office of the Assistant Secretary of War may have seemed fairly clean-cut. In practice, the relationship proved an overlapping one. It was inevitably so. The planning and approval of types of equipment could not well be divorced from consideration of actual production problems in procurement. It was scarcely feasible to plan military equipment in the vacuum of desired military characteristics in ignorance of practical production aspects. Yet the Office of the Assistant Secretary of War had no authority to approve changes in specifications. And it was not desirable that it should have such authority without the concurrence of G-4.

Nor was the dividing line between G-4 and O.A.S.W. satisfactory in planning the mobilization of America's industrial resources. It was a responsibility necessarily of the General Staff to determine the mobilization requirements for the military defense of the United States. Yet it was entirely unrealistic to develop any such mobilization plans in complete disregard of the very practical limitations of production capacity for the necessary *matériel*. Indeed, a very real problem of this kind arose in the 1930s' planning, which is related below.³⁹

The difficulties in relationship between the General Staff and the Office of the Assistant Secretary of War were such as to cause one Chief of Staff to bring up the problem in an annual report. In his

³⁹ See p. 492 below.

final report as Chief of Staff, General Summerall referred to the powers of the General Staff contained in the act of June 4, 1920. He declared that that act had, by the express provisions of Section 5, conferred upon the Chief of Staff and the General Staff the supreme military authority in planning and supervising the military establishment.

"Unfortunately in the post-war administration of these provisions, the principles enunciated in the Act of 1903 have to a large extent been disregarded, and other agencies of the War Department have, contrary to the intent of the law, infringed upon the domain of coördination and supervision assigned to the Chief of Staff and the War Department General Staff, with the result that the unity of control necessary to the efficient development of our military system no longer exists."⁴⁰

Although the Chief of Staff did not by specific word indicate that he was referring to the Office of the Assistant Secretary of War, his implication was perfectly clear. Indeed, General Summerall, in his discussions of particular problems of procurement and disposition of supply, referred specifically to the growth of a system which permitted bureau chiefs to look for supervision to another office besides the General Staff. He declared categorically: "The business of supply bureaus in connection with the immediate supply of troops, as well as bringing about an adjustment of different views as to types of equipment arising between the supply bureau and using arm of the service, is a function of command," and he went on to add:

"We, therefore, find ourselves dangerously near the status of divided authority in the War Department which prevailed in 1898 and again in 1917, and which in times past has exercised a paralytic effect upon the directing functions of the War Department."⁴¹

"There is no doubt as to what general course affairs would take on the occurrence of a national emergency if the present situation should continue. As in 1917-18, the necessity for integrating the services of supply would early become apparent, and action analogous to that found essential during that period would be taken. In the meantime, important preparatory measures would have been neglected, and a delay and confusion that might prove fatal to the success of our arms would be inevitable. The responsibility for this situation would be thrown upon the General Staff by the very bureaus which had withdrawn themselves from its coördinat-

⁴⁰ "Final Report of the Chief of Staff, November 20, 1930," *Report of the Secretary of War to the President*, 1930, p. 108.

⁴¹ *Ibid.*, p. 116.

ing influence. The slow process of the development of our material to meet the conditions of modern battle and the needs of the using branches would, moreover, have been arrested, and the time lost might well prove irrecoverable."⁴²

General Summerall was emphatic in his assertion that

"The National Defense Act did not relieve the General Staff or the Chief of Staff of any responsibilities with respect to the disposition of supplies procured for military use. The General Staff, in the language of the Act, is still responsible 'for the preparation of plans for the mobilization of the manhood of the nation and its material resources,' and the Chief of Staff is still charged with acting as the agent of the Secretary of War in carrying into effect approved plans for 'supplying, equipping . . . the Army of the United States.'"⁴³

The Chief of Staff insisted that Section 5a was an amplification rather than an impairment of previous law. The responsibility of the Office of the Assistant Secretary of War was defined by the Chief of Staff as one for creating an organization and plan for procurement of supplies determined necessary by the General Staff. The responsibility of the O.A.S.W. ended with the acceptance of supplies. "Any other interpretation is not only wholly unjustified by the language of the Act, but would lead to hopeless confusion in the administration of supply in a national emergency."⁴⁴

Although the Chief of Staff did not indicate specifically the cause of the difficulty that had arisen between the General Staff and the Office of the Assistant Secretary of War, one center of controversy evidently was the matter of transportation. During the 1920's, the Office of the Assistant Secretary of War had interpreted its responsibility under Section 5a of the National Defense Act, charging the Assistant Secretary of War "with supervision of the procurement of all military supplies and other business of the War Department pertaining thereto," to include transportation. The O.A.S.W. had built up its independent relations with the nation's transportation system and had drawn its representatives into discussions about utilization of transportation facilities in the event of war.

The General Staff, on the other hand, was strongly of the belief that the movement of troops and supplies was completely a military rather than a "business" matter and should be left entirely to the jurisdiction of G-4. In addition, the Office of the Assistant Secretary of War had displayed a disposition to concern itself in

⁴² *Ibid.*, p. 116.

⁴³ *Ibid.*, pp. 114-115.

⁴⁴ *Ibid.*, p. 116.

the "business" matter of storage for war supplies. This likewise was a cause of concern to the General Staff.

"It is evident that control over the supplies made available for military use is as essential to the military authorities in the discharge of the responsibilities imposed upon them as is the control over the personnel from which troop units are formed. Personnel and material are the two basic inseparable elements of military force. Without control over the necessary *matériel*, a military commander is powerless to wage a campaign. It may be indifferent to the military authorities how the supplies are procured, provided the method is effective. Once procured for military use, however, munitions should be as completely under their control as the personnel placed at their disposal."⁴⁵

Further difficulties had arisen between the General Staff and the Office of the Assistant Secretary of War in the preparation of plans for mobilizing the nation's industrial resources in the event of war. One part of the controversy seems to have centered in the question whether existing governmental agencies, such as the Commerce Department and the Labor Department, should be expanded in time of war to handle war-time industrial mobilization, or whether new agencies should be created, charged with the sole responsibility of war-time mobilization. The Chief of Staff indicated that the General Staff favored the former course—that of expanding existing agencies.⁴⁶

The specific controversy between the General Staff and the Office of the Assistant Secretary of War that came to a head in 1930 seemed to have been settled more or less amicably within the following year. The authority of G-4 Division of the General Staff to direct transportation movements and to plan utilization of transportation facilities in the event of war was recognized by O.A.S.W. Moreover, the predominant concern of the General Staff in matters of storage and distribution of supplies was acknowledged. On the other hand, the General Staff withdrew from its position expressed in the Chief of Staff's report of 1930 favoring its own scheme of administrative organization for mobilizing the nation's resources. Henceforth, the peculiar interest of O.A.S.W. in these problems was admitted. Officially, there were no further indications of difficulty between the General Staff and the Office of the Assistant Secretary

⁴⁵ *Ibid.*, 117.

⁴⁶ *Ibid.*, p. 121. See also the appendix to the Chief of Staff's report, "Mobilization of Resources," prepared by Lt. Col. T. H. Emerson, J.E., p. 177.

of war except for the mobilization plan incident of 1936, subsequently referred to.

In his report for the fiscal year 1931, the Assistant Secretary of War explained that the Industrial Mobilization Plan prepared in that year had been presented to the Chief of Staff and approved by him. In turn, this plan had been presented to the War Policies Commission by the Chief of Staff himself on May 31, 1931.⁴⁷ It was evident from this statement that a real effort had been made to bring about coöperation between the Office of the Assistant Secretary of War and the General Staff. It had been tacitly acknowledged that mobilization planning could not be separated into watertight compartments, enabling the General Staff and the O.A.S.W. to proceed independently. Indeed, from this point on, it became a standard part of Army thinking to regard the O.A.S.W. and G-4 Division of the General Staff as closely interrelated. This thinking was acknowledged, for example, in the various reports from time to time prepared on the supply organization of the War Department in the Army War College.⁴⁸

The possibilities of conflict were none the less latent and continuing. The overhead organization of the War Department had two separate staffs directing and supervising supply operations. That the determination of military supply requirements and the direction of their procurement were essential phases of the same process was becoming increasingly clear. An incident in 1936 showed the close interrelationship. As Assistant Secretary of War, Mr. Harry H. Woodring became convinced that the initial-sized force proposed in the Protective Mobilization Plan of the General Staff that year was too large. The supplies required could not be procured in the time allowed for activation of that initial protective force. Accordingly, when Mr. Woodring became Secretary of War, he directed the Chief of Staff to revise the Protective Mobilization Plan so that it would more nearly accord with procurement realities.⁴⁹

When conflict arose between the Chief of Staff and the Assistant Secretary of War, there was no authority short of the Secretary

⁴⁷ "Annual Report of the Assistant Secretary of War," *Report of the Secretary of War*, 1931, p. 47.

⁴⁸ "Organization of the War Department for Supply," Report of Committee No. 3, Course at the Army War College, 1936-1937, G-4, Dec. 14, 1936.

⁴⁹ *Annual Report of the Secretary of War for the Fiscal Year 1938*, p. 1.

of War himself capable of settling a controversy. As long as the Office of the Assistant Secretary of War was small, and the procurement program of the War Department of modest proportions, close coöperation between G-4 and O.A.S.W. was possible. Much, of course, depended upon the personalities of the officers assigned to the respective organizations.

With the advent of large-scale procurement operations beginning in the fall of 1940, difficulties in relationship between G-4 and O.A.S.W. began. These differences were more or less inevitable. As the procurement program expanded, so did the organization of the Office of the Assistant Secretary of War. On July 1, 1940, the total personnel of the Office of the Assistant Secretary of War consisted of 181 persons. On June 30, 1941, the total was 873 persons.

In the meantime, the Office of the Assistant Secretary of War had become the Office of the Under Secretary of War. The Second Supplementary Military Appropriation Act of December 6, 1940, providing for the position of Under Secretary of War, specifically repealed Section 5a of the National Defense Act of June 4, 1920, and provided that the supervision of procurement activities should be vested in the Secretary of War. The act went on to provide that the Secretary of War might in turn delegate this responsibility to the Under Secretary of War. In this way quietly, without particular comment or debate, the statutory provision for a dual supervisory organization on supply matters was repealed.

Actually, in practice, no change immediately followed this action. The Secretary of War delegated his administrative responsibilities to the Under Secretary of War. Robert P. Patterson, who had become Assistant Secretary of War in July, 1940, became the new Under Secretary. His responsibilities remained the same and his organization continued to grow.

By the end of the calendar year 1941, the Office of the Under Secretary of War numbered about 1,200 officers and civilians. On July 12, 1941, it was moved into the newly completed War Department Building, about a block and a half away from the Munitions Building. The increase in personnel and the physical separation of the O.U.S.W. from the General Staff in the Munitions Building placed a considerable strain upon the coöperative relationships between the two offices. Those relationships had been a matter of personal contact and not of organizational procedure. With a great many more people involved, with expanding operations, with some

confusion and uncertainties in its internal organization, the Office of the Under Secretary of War was no longer an agency which could deal informally and fully with G-4.

The difficulties that some persons in the Army had always foreseen in the division of supervisory power between the General Staff and the Assistant Secretary of War became very real. The supply arms and services dealt individually with G-4 on questions of supply requirements and supply program. They then dealt with the Office of the Under Secretary of War in making their contractual arrangements for the procurement of specified *matériel*. After delivery, once more the supply arms and services were subject to the jurisdiction of G-4. It was relatively simple for the individual supply arms and services to play one supervisory authority against the other. Occasions were not lacking when the supply arms and services chose to deal independently with the super-agencies then in process of creation and expansion, such as the Office of Production Management, without clearance through the Office of the Under Secretary at all. There were other occasions when conflicting instructions from the General Staff and from the Office of the Under Secretary were cited as justification by the supply chiefs for following their own course of action. In many respects, the conditions of early 1917 were in danger of being repeated.

VII

The reorganization of March 9, 1942, changed this situation. The supervisory responsibilities of the Office of the Under Secretary of War and of the G-4 Division of the War Department General Staff were combined under the Commanding General, Services of Supply.⁵⁰ An official explanation of the reorganization was provided the Senate Committee on Military Affairs on March 6, 1942, by Major General (later Lieutenant General) McNarney, then an assistant to the Chief of Staff.⁵¹ General McNarney laid primary emphasis in his account upon the great number of separate agencies formerly reporting to the Chief of Staff.

In addition to his General Staff of five divisions, the Chief of Staff was the recognized military superior of the chiefs of the com-

⁵⁰ The name "Services of Supply" was changed to "Army Service Forces" on March 12, 1943.

⁵¹ U. S. Congress, Senate, Committee on Military Affairs, *Hearings before . . . on a Bill to Establish a Department of Defense Coordination and Control*, 76th Cong., 2nd Sess. (Mar. 6, 1942).

batant branches of the Army—Air Corps, Infantry, Cavalry, Field Artillery, Coast Artillery, Engineers, and Signal Corps. The chiefs of the supply services—Ordnance, Quartermaster, Medical, Chemical Warfare Service—likewise reported to the Chief of Staff. Also under his jurisdiction were the chiefs of a number of separate administrative services—Finance, the Adjutant General's Department, and the Judge Advocate General's Department. In a special category, but still responsible directly to the Chief of Staff, were the Chief of the National Guard Bureau, the Executive for Reserve and R.O.T.C. Affairs, and the Chief of Chaplains. Together, the chiefs of all these branches and services were known as the "special staff" of the Chief of Staff.

These, however, were not the only parts of the Army under the Chief of Staff's command. There were nine corps areas and four defense commands throughout the United States. There was an Army command in Alaska, Hawaii, the Caribbean, the Panama Canal Zone, and the Philippines. The dispatch of troops overseas to Greenland and to England enlarged the tactical commands reporting to the Chief of Staff.

Altogether—one of the officers accompanying General McNarney before the Senate Committee said—before the reorganization the Chief of Staff had to deal personally or through his General Staff with 40 different major commands and some 350 small ones.⁵²

General McNarney told the Committee:

"Due to the fact that there were no large responsible subordinate commands to which administrative details could be delegated, the General Staff has had to take onto itself a large number of administrative details during the past years of peace.

"These details formerly came up either to the Deputy Chief of Staff or the Chief of Staff for decision. This system resulted in completely overburdening the Chief of Staff and his deputies with decisions on what were relatively minor matters of detail.

"With the expansion of the Army, and particularly when he is charged by the Commander-in-Chief, the President, with the strategic direction of our several overseas forces, it was evident that the Chief of Staff and General Staff should get back to Mr. Root's original conception of the General Staff. General Pershing's general staff was set up along those lines. The Congress itself has stated the duties of such a general staff in the National Defense Act.

"The War Department General Staff must be a planning and policy-

⁵² *Ibid.*, p. 13.

making staff. Rather, it must not operate and be bothered by minor details. This reorganization, the basic purpose of this reorganization, is to effect that very thing by creating three large commands with responsible commanders to which administration and other decisions will be delegated."⁵³

The story of how the War Department reorganization had been planned was also explained by General McNarney:

"I might say that this reorganization has been under study for a period of about a year. Colonel Harrison, who is with us this morning, was the man charged with the preliminary studies which were presented to the Chief of Staff. The Chief of Staff gave considerable thought to the problem and decided that for the purpose of actually winning the war which appeared to be close upon us at that time some reorganization of the staff of the Army was necessary.

General Kuter, who is also with us this morning, was one of the secretaries, War Department General Staff. He worked closely with Colonel Harrison on the proposed reorganization. I was in England at the time. I had been there for the last seven months, when early in December I was recalled for the purpose of forming this committee of three to study the proposed reorganization.

We presented our ideas to General Marshall. At that time the war was on. He studied them very carefully. They were presented to the Secretary of War and to Mr. Patterson. It was decided that the time had come when a reorganization was necessary, and as a result, this reorganization has now been approved by the President, and is about to go into effect on March 9. . . . "⁵⁴

General McNarney announced that the General Staff had been radically reduced in numbers. To the three great commands—the Ground Forces, the Air Forces, and the Services of Supply—had been delegated the administrative work previously performed by the General Staff. One reason for the change advanced by General McNarney was the need for making a cohesive fighting force of the units which previously had enjoyed separate existence on the special staff of the Chief of Staff—the Infantry, Cavalry, Field Artillery, and Coast Artillery.

Some interest was manifested by the Senate committee in the arrangement whereby the Commanding General, Services of Supply, reported on procurement matters to the Under Secretary and on military matters to the Chief of Staff. General McNarney

⁵³ *Ibid.*, p. 2.

⁵⁴ *Ibid.*, pp. 1 and 2.

acknowledged that this was an arrangement "which you might say violates good organization."⁵⁵ He went on to say that while the Commanding General had two bosses, they were "for two different purposes, but the purposes are somewhat interrelated. And, as a matter of fact, these two functions must merge, and we have merged them at the highest practicable level. Hence, this situation is academically unsound, but is workable and is the best practical solution to our problem."⁵⁶

General McNarney implied, without saying in so many words, that the principal improvement resulting from the creation of the Services of Supply was that henceforth only one Army official had two bosses instead of all the supply chiefs, whereas before, the Chief of Engineers, the Chief of Ordnance, the Quartermaster General, the Chief Signal Officer, the Surgeon General, the Chief of Chemical Warfare Service (and, before the reorganization, the Chief of Coast Artillery) had on supply matters reported to both the Under Secretary of War and the Chief of Staff. Now they reported to but one person—the Commanding General, Services of Supply (Army Service Forces).

VIII

After nearly forty years of experience with supervisory and coördinating organizations under the Chief of Staff and the Assistant Secretary of War, the War Department in World War II thus turned to the creation of three major commands under the Chief of Staff. Integration took the place of past efforts at coördination.

The fact that from 1921 to 1942 there were two supervisory agencies of the War Department on supply problems, the General Staff and the Office of the Assistant Secretary of War, did not detract from the basic lesson of this experience. Unquestionably, the existence of two such supervisory organs did complicate the functioning of the high command of the War Department. The solution sought for the difficulties of overhead organization was not amalgamation of the General Staff and the Office of the Under Secretary of War into a single coördinating agency under the Chief of Staff, but a new line administrator—the Commanding General, Army Service Forces—to take over supply and administrative responsibilities for the War Department. At the same time, the Chiefs of

⁵⁵ *Ibid.*, p. 6.

⁵⁶ *Ibid.*, p. 7.

Infantry, Cavalry, Field Artillery, and Coast Artillery were actually abolished and replaced by a single Commanding General of Army Ground Forces. Integration, not improved coördination, was the answer to the administrative problems of the War Department high command.

The General Staff was continued, but with size and scope reduced. The new General Staff was expected to concern itself primarily with planning; the details of administrative direction of the vast war-time work of the War Department were vested in the commanding generals. With this organization within the United States, the War Department prepared itself to meet the burdens of war.

AMERICAN GOVERNMENT AND POLITICS

CONGRESSIONAL SELF-IMPROVEMENT

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The complaint about Congress which has been more or less chronic in this country's history became acute during the 77th Congress (1941-42). While some of the condemnation was abusive, personal, and partisan, much of it was a frank recognition of existing weaknesses emphasized by present responsibilities. Intelligent response to this criticism both inside and outside of Congress resulted in constructive suggestions intended to restore the representative branch to fullest prestige and usefulness. While far-reaching alterations in the working arrangements of Congress proposed by publicists and scholars may be completely sound, it would be naive to assume that any reform could be imposed on Congress from without.¹ Congressmen are notoriously jealous of their own prerogatives, and the only hope of modernizing the lawmaking branch rests with them. It is therefore highly significant that the members of the 78th Congress reacted to the criticism by introducing an unprecedented number of resolutions ranging from the smug suggestion for a committee to protect the integrity of Congress² to two soul-searching recommendations for special committees to study all aspects of Congressional reorganization.³

The measures cover a wide range, but for purposes of convenient discussion they can be classified into four broad categories. The first includes the proposals for the creation of some specific formal arrangement for liaison between the President and Congress. The second aims to reorganize the committee system. The third comprises proposals to facilitate legislative check on administrative action, particularly through subjecting departmental rule-making to Congressional surveillance in a systematic, continuous manner. The fourth category includes all provisions for staffing with experts the committees of Congress or Congress as a whole.

¹ See Henry Haslitt, *A New Constitution Now* (New York, 1942); Roland A. Young, *This Is Congress* (New York, 1943); George B. Galloway *et al.*, "Congress—Problem, Diagnosis, Proposals," in this *Review*, Vol. 33, pp. 1091-1102; "Our Form of Government," No. 5 in the postwar series, "The United States in a New World," *Fortune*, supplement, Nov., 1943.

² H. Res. 13, 78th Cong., 1st Sess., introduced by Representative Clare E. Hoffman.

³ H. Res. 19, 78th Cong., 1st Sess., introduced by Representative Everett M. Dirksen, and identical resolutions (H. Con. Res. 54 and S. Con. Res. 23) introduced simultaneously by Representative Mike Monroney and Senator Francis Maloney.

I

The outstanding Congressional plan for providing needed liaison between the President and the lawmakers was presented by Senator Maloney's resolution to create a Joint Committee on War Problems.⁴ The committee would be composed of six representatives and six senators, with equal political representation, selected by the membership of each house as a whole to represent its views. After making special study and investigation of the problems arising out of the war, the committee would confer with the President and with the various departments and agencies of the government with respect to them. In regard to Congress, this committee's responsibilities would be "to consult with other committees of both branches of the Congress and to report to the Congress from time to time." It would in no way rob the existing standing committees of any of their power, but would simply endeavor to generate mutual confidence "from the White House to the hill and the hill to the White House."⁵

In the hearings, proponents of this resolution revealed two objectives. First, Congress was to become better informed, thus overcoming "the principal criticism that can be made at the present time of the part of the Congress in the war. . . ."⁶ In addition to restoring public confidence in Congress, it was thought, secondly, that adoption of the resolution would enable Congress to act more intelligently, which might in practice simply mean coöperating with the executive. Cited in support of the resolution was an instance of the coöperation Congress is capable of giving when it is well informed. After Chief of Staff Marshall had explained to members of the Military Affairs, Foreign Relations, and Appropriations Committees the necessity of in no way interfering with General Eisenhower's relations with Darlan in North Africa, Congress maintained discreet silence while controversy raged in the press and even in the British Parliament.

Immediately after Pearl Harbor, the President expressed a willingness to consult with and seek the advice of the members of an over-all committee if Congress believed greater coöperation could be achieved thereby than through his habit of consulting the majority and minority leaders of Congress and the particular committees charged with specific subjects.⁷

⁴ S. Con. Res. 1, 78th Cong., 1st Sess.

⁵ Senator Arthur H. Vandenberg, in *Hearing on Joint Committee on War Problems* before a Subcommittee of the Committee on Military Affairs, Senate, 78th Cong., 1st Sess., p. 16.

⁶ Senator Henry Cabot Lodge, Jr., *ibid.*, p. 9.

⁷ This opinion was rendered in a reply on December 27, 1941, to Senator Vandenberg's letter proposing an agency of liaison shortly after Pearl Harbor. The Maloney resolution is substantially the same as Vandenberg's proposal except for the title of the committee.

The issue resolves itself into whether the relationship between the President and Congress is to be formalized or to continue dependent primarily upon the instruments of invisible government, with the party as the liaison. If the Congress were to designate the members who should visit the White House, the invitations from the host might not be so frequent or the reception so warm.⁸ Flexibility of present contacts allowing the President to call on men particularly fitted to convey his ideas on certain issues would be sacrificed. The President would of necessity work with this group if it were to become a central committee preparing a coherent legislative program and other committees were subordinate to it.⁹ The proposed committee might eventually develop such a dominant position, but Senator Maloney conceived of it simply as "of special value to the standing committees . . . because members would assume this joint committee would know the answers and would keep the Congress and special committees properly informed."¹⁰ The Maloney resolution would insure the inclusion of the minority political group in the consultations, giving a measure of coalition government desirable in wartime; but in normal times bi-partisanship would not encourage responsible party government and might doom the mediating agency to failure.

II

That reorganization of committee structure is a second clear objective in the Congressional program of self-improvement is revealed in reform proposals. In the 77th Congress, dissatisfaction with committees was voiced, especially in the upper branch. Senator George W. Norris declared: "I suppose every Senator who has given the subject any thought—and I presume we all have—will concede that we ought not to have as many committee assignments as we have." Senator James Mead complained: "We have two or three hundred subcommittees. One morning . . . four committees which I had to attend were concurrently meeting, and of course it was simply a physical impossibility for me to attend them all."¹¹ A remedy was promptly offered in the present Congress by Senator

⁸ Senator Edwin C. Johnson emphasized this in the *Hearing*: "Your whole proposal is dependent upon the full coöperation of the President in this whole matter, and he has these agencies now, and if he does not utilize them, . . . why would you believe that he would want to consult with a super-committee, set up for the same purpose that the leaders are set up now?" *Hearing on Joint Committee on War Problems*, Subcommittee of the Committee on Military Affairs, Senate, 78th Cong., 1st Sess., p. 19.

⁹ Consultation might be completely assured if the central committee were made up of chairmen of the important standing committees and these chairmen were chosen by the party caucus, as Roland Young suggests. *Op.cit.*, pp. 251-253.

¹⁰ *Hearing on Joint Committee on War Problems*, p. 11.

¹¹ *Cong. Rec.*, 77th Cong., 1st Sess., Vol. 87, p. 5081, June 12, 1941.

Robert M. La Follette's proposal drastically reducing the Senate standing committees from 33 to 13, permitting them to act jointly with corresponding House committees, and allowing, with few exceptions, each Senator membership on only one committee. La Follette pointed out that if each Senator were confined to only one important committee, he could then attend its meetings and become more expert upon the subject-matter of that committee. These smaller groups, with jurisdiction corresponding roughly to the main outlines of national policy and also to the administrative divisions in the executive branch, would, it was maintained, improve the machinery for legislative-executive coöperation, provide specialized and informed channels through which Congress could exercise its policy-making functions on a continuous and sustained basis, and more definitely fix responsibility for primary formulation of legislative policy.¹²

Streamlining of committees would also fall within the frame of reference of Congressman Everett M. Dirksen's suggestion that a select committee be created on Congressional reorganization to investigate and study the structure, functions, and procedures of the legislative branch to determine how they may be modified or revised, or even augmented.¹³ Specific provision for "study of the structure of and relationships between the various standing, special, and select committees on both sides of the Capitol" was made in the identical resolutions introduced in the House and Senate to establish a bi-partisan study committee which would strengthen the legislative branch, simplify its operations, and promote improved relationships with other branches of government.¹⁴ In addition to these broad proposals which open the door to complete overhauling, Representative Louis Ludlow wisely advocated a Committee on Fiscal Planning to coördinate revenue and spending activities by bringing together ranking members of the Committees on Ways and Means and Appropriations.¹⁵

Significant, too, are the proposed resolutions setting up joint committees for collaboration between the two houses of Congress in the vital areas of appropriations, military and naval affairs, and postwar policy.¹⁶ These proposals are a recognition of the inherent worth of this type of joint arrangement; while they do not affect the existing standing committee system, but merely supplement it, experience with them may point the way to reorganization. Senator Millard E. Tydings would create a Joint Committee on Appropriations of three members from each of the expenditure committees to conduct studies, make analyses, and evaluate

¹² S. Res. 169, *Cong. Rec.*, 78th Cong., 1st Sess., Vol. 89, pp. 7259-7261.

¹³ H. Res. 19, 78th Cong., 1st Sess.

¹⁴ H. Con. Res. 54, 78th Cong., 1st Sess., and S. Con. Res. 23, 78th Cong., 1st Sess.

¹⁵ H. Res. 22, 78th Cong., 1st Sess.

¹⁶ An additional joint committee, having as its purpose checking the executive, is discussed below.

requests for appropriations.¹⁷ In no way superseding the parent bodies, it would perform chiefly an investigating and reporting function, serving any committee having jurisdiction over revenues, appropriations, or expenditures. To achieve the parallel objective of "bringing expenditures within closer approximation of the revenues," Representative Dirksen introduced a resolution to establish a Joint Committee on Economy and Efficiency with a similar but larger membership.¹⁸

A coördination of the war activities of the Congress under a legislative high command is the goal of the resolution creating a Joint Committee on Military and Naval Affairs and Appropriations.¹⁹ It would consider legislative proposals submitted by the War or Navy Department on the prosecution of the war and investigate expenditure of funds appropriated to these departments for the conduct of the war. Deploring the diffusion and dispersion of effort now prevailing in Congress' dealing with the war, the resolution's author, Representative Dirksen, gives an example: "Naval aircraft authorizations are first considered by the Naval Affairs Committee. Funds for such craft are considered by a subcommittee on naval appropriations. If it is a deficiency or supplementary rather than a regular item, it goes to a deficiency subcommittee. Then it goes to the full Committee on Appropriations. Such diffusion is not in accord with the functional pattern of the present war."²⁰

Three additional joint committees are proposed, one to make a study of war and postwar problems,²¹ another better to deal with and prepare for problems of peace and the accompanying treaty,²² and the third for public works and postwar reconstruction on the domestic front.²³ The last two resolutions provide for staffs of experts in the designated subjects to furnish Congress with accurate information when it is called upon to pass bills.

III

The third group of proposals of the lawmakers is aimed at "control of the executive," which is only slowly becoming recognized in the United States as quite as important a function of Congress as lawmaking. Owing to England's classic experience in developing machinery for control, it is only natural that there should be suggestion for an adaptation of that most important "continuous and worrying" instrumentality—the question hour. Representative Estes Kefauver would amend the rules of the House to provide for a question period at which heads of executive de-

¹⁷ S. 764, 78th Cong., 1st Sess.

¹⁸ H. Con. Res. 8, 78th Cong., 1st Sess.

¹⁹ H. J. Res. 10, 78th Cong., 1st Sess., introduced by Representative Dirksen.

²⁰ *Cong. Rec.*, 77th Cong., 2nd Sess., Vol. 88, p. 8647, Oct. 1, 1942.

²¹ S. J. Res. 22, 78th Cong., 1st Sess., introduced by Senator Claude Pepper.

²² H. Con. Res. 3, 78th Cong., 1st Sess., introduced by Representative Dirksen.

²³ H. Con. Res. 2, 78th Cong., 1st Sess., introduced by Representative Dirksen.

partments and independent agencies could appear and answer questions "on at least one day in each period of two calendar weeks, but not oftener than one day in any one calendar week."²⁴ Each written question would be submitted to the committee having jurisdiction over the subject-matter of such question, to the head of the executive agency concerned, with an invitation to appear before the House, and to the Committee on Rules with a request for allotment of time for the questioning. The latter half of each question period would be reserved for oral questions, this time being divided between minority and majority members. The proposal engendered lively debate, in which the participants manifested enthusiasm for the idea. The chief proponents of the resolution defended its constitutionality, cited precedents from Washington's administration in support of it, and emphasized that experience under it might dictate its subsequent change in one respect or another.²⁵ It is not likely to emerge from committee, for the House leadership is reported to oppose it.²⁶

Having delegated legislative powers of increasing scope and generosity, Congress, says Minority Leader Representative Joseph W. Martin, has "a direct and solemn obligation to the people to watch carefully their use."²⁷ One committee has already been set up to check administrative directives, and at least five additional measures in the hopper are designed further to implement this process. On February 11, 1943, the House of Representatives established the so-called Smith Committee, which acts only after complaint has been made that rules or directives of any department or agency (1) are beyond the scope of the authority granted by Congress or by executive order, (2) invade the constitutional rights, privileges, or immunities of citizens, (3) inflict penalties without affording an opportunity to the accused for presenting their defense before a fair and impartial tribunal.²⁸ In the debates, question arose as to the propriety of a legislative committee reviewing such actions, and opponents implied that the committee would be invading the constitutional rights of the judiciary and violating separation of powers. The prevailing opinion, however, favored "riding herd" on some of the administrative agencies.²⁹

The Smith Committee made two minor investigations of activities of the Office of Price Administration, first in the handling of rent control,³⁰ and later in the fixing of meat prices.³¹ Charges were made in both in-

²⁴ H. Res. 327, 78th Cong., 1st Sess.

²⁵ *Cong. Rec.*, 78th Cong., 1st Sess., Vol. 89, pp. 9565-9570, Nov. 12, 1943.

²⁶ *New York Times*, Nov. 21, 1943.

²⁷ *Cong. Rec.*, 78th Cong., 1st Sess., Vol. 89, p. A4036, Sept. 14, 1943.

²⁸ H. Res. 102, 78th Cong., 1st Sess.

²⁹ *Cong. Rec.*, 78th Cong., 1st Sess., Vol. 89, p. 913, Feb. 11, 1943.

³⁰ 78th Cong., 1st Sess., House Report No. 699, July 27, 1943.

³¹ 78th Cong., 1st Sess., House Report No. 898, Nov. 29, 1943.

stances that some rules and regulations exceeded the authority granted to the agency and others violated the express mandate of Congress. The committee made its most important report upon a general investigation of OPA, and called upon Congress to rewrite the Price Control Law.³² It charged that the agency had "assumed unauthorized powers to legislate by regulation and has, by misinterpretation of acts of Congress, set up a nation-wide system of judicial tribunals." Counter-charges were made by an unofficial group of House members that the report was "based upon questionable and, in many instances, seriously biased interpretations" of the powers of the OPA.³³

One of the foremost difficulties in the Congressional-Executive relationship in regard to delegated legislation was highlighted in the committee's statement that "Public Law 421 . . . fails to provide a sufficiently clear definition of this power, to guard against its abuse, and to adequately safeguard the constitutional rights of citizens."³⁴ While Congress is obligated to define policy rather than merely to dump a regulatory problem in the lap of an administrative agency, this may be almost impossible "when a new type of regulation is undertaken."³⁵ Through an arrangement like the Smith Committee, Congress is in a position continuously to survey the growth of a law from broad policy to specific application and to recommend amendments refining the original statute if its administrative development does not conform to Congressional intent, which itself may be clarifying. This may make it possible for Congress—which is, after all, the body constitutionally responsible for lawmaking—to discharge its responsibility more completely and precisely than has heretofore been possible when dealing with the complications of economic regulation. It may be taken for granted that the Congressional committee scrutinizing the delegated legislation will not distinguish, as the Committee on Ministers Powers suggested such a committee should, between "merit" and "principle." The line is too fine-drawn to be followed in practice. This development does presume, of course, that the committee making the survey of administration recognizes the necessity for continuity in both law and administration, represents the actual policy mind of Congress,

³² 78th Cong., 1st Sess., House Report No. 862, Nov. 15, 1943. "Distrust of the good faith of the executive departments in interpreting the powers granted," the report stated, "will inevitably discourage and deter the Congress from delegating those powers essential to the efficient functioning of government" (p. 2).

³³ *New York Times*, Nov. 16, 1943.

³⁴ House Report No. 699, p. 3. In its second report the committee declared that "where legislation is drafted by officials to implement their own authority, the resulting legislation is almost invariably far broader than necessary to effect its declared purpose and object." House Report No. 862 p. 4.

³⁵ See James Hart, "The Exercise of Rule-Making Power," President's Committee on Administrative Management, *Report with Special Studies* (1937), p. 325.

and is not a disaffected partisan element renewing a battle already lost during the bill stage.³⁶

Two further House resolutions have been introduced to achieve the same objective of seeing that executive interpretations of statutes conform to Congressional intent,³⁷ but they would assign the task to the regular standing committees which reported the original bills.³⁸ One proponent of this plan condemns "waiting until there is difficulty in connection with the administration of a law and then having a special committee with an ex parte hearing on the floor about all the things that are wrong with an agency." He contends that it would be "far better to strengthen the position of the standing committees of the House by giving them continuously this investigating function . . . and a recognized constant duty to see . . . that the laws they pass are carried out as was intended by this House."³⁹ Senator La Follette stressed that surveillance over delegated legislation would be improved by the committee reorganization he sponsored (reducing Senate committees from the present 33 to 13 corresponding to the administrative divisions in the executive branch): "Confronted as we are with the necessity of the delegation of large portions of legislative power to the executive arm of the government, these committees would be in a position to make certain that the power was being exercised as the Congress intended it should be exercised."⁴⁰ The use of standing committees would have the merit of giving a more balanced approach than might be achieved by the appointment of members to a select committee who have no background in the subject except a specific bias.

The unique power of holding up the effective date of an order or regulation if objection were made to it would be granted to a Joint Committee on Administrative Review proposed by Representative Dirksen.⁴¹ The effective date of all rules and regulations would be suspended for ten days, during which time the joint committee would consider them. The com-

³⁶ The members of the Smith Committee voted consistently in favor of price administration when that subject was under consideration in Congress. Only one of them, Representative Clare Hoffman, spoke against the Emergency Anti-Inflation Bill. *Cong. Rec.*, 77th Cong., 2nd Sess., Vol. 88, pp. 763-764.

³⁷ An additional committee would be set up by S. Res. 196 with the very broad mandate "to investigate the authority of the President to issue executive orders, and the effect of their enforcement upon the national economy and constitutional democracy." A joint committee whose powers would cover a similar wide range would be established by H. J. Res. 173 "to obtain complete information with respect to the functioning of the executive departments and independent agencies of the government."

³⁸ H. Res. 60, 78th Cong., 1st Sess., introduced by Representative Jerry Voorhis, and H. Res. 186, 78th Cong., 1st Sess., introduced by Representative Earl R. Lewis.

³⁹ Rep. Voorhis, in *Cong. Rec.*, Vol. 89, pp. 561-562, Feb. 2, 1943.

⁴⁰ *Ibid.*, p. 7260, July 5, 1943.

⁴¹ H. J. Res. 66, 78th Cong., 1st Sess.

mittee, however, would have only a delaying, not a veto, power; for a rule under scrutiny would none the less become effective at the expiration of forty days. Meanwhile, the committee would be entitled to report to the Senate and House at any time. Here again is an attempt at duplication of English practice, this time of the provisional order system, or of the later development whereby departmental legislation may be rescinded within a certain number of days after issuance by an adverse address. Our Constitution presents a most serious obstacle to this adaptation for two reasons: first, when the Executive issues orders, he is not generally considered to be legislating but rather administering, which action is therefore beyond the power of immediate Congressional intervention. Secondly, while no one would deny the power of Congress to withdraw the authority of the Executive to make an order, provided the withdrawal took the form of legislation, such legislation rescinding an executive order might be of no avail unless Congress could be certain of a two-thirds vote enabling it to override an executive veto. Admittedly, Congress circumvented these difficulties in the Reorganization Act of 1939 by substituting "plan" for "executive order" and "concurrent resolution" for "joint resolution"; but it is doubtful whether these expedients constitute sound precedent.⁴³

IV

Experts have established their indispensability in lawmaking, and Congress, rather than depend upon the executive branch for them, would employ technicians of its own. No innovation has been more frequently advocated, and respect for Congressional judgment necessitates careful consideration of staffing proposals. Congress' complaint is not only that it lacks complete information, but that the executive branch upon which it is dependent for information is unreliable from its standpoint. "Appropriation bills are written without full knowledge, even by the committee members," declared a member of the Senate Appropriations Committee, adding that the members "are dependent upon the confidence they have in departmental and other officials."⁴³ After voicing the same complaint, Representative Dirksen declared that Congress "must be able to challenge the information presented by government functionaries with expert information assembled by its own expert staffs."⁴⁴

Difficulties can be foreseen in the creation of two sets of experts, one responsible to Congress as its own immediate agent, and the other, while

⁴³ See John D. Millett and Lindsay Rogers, "The Legislative Veto and the Reorganization Act of 1939," *Public Administration Review*, Vol. 1, pp. 176-189 (Winter, 1941).

⁴⁴ Senator Francis Maloney, in *Cong. Rec.*, 77th Cong., 1st Sess., Vol. 87, p. 5200, June 13, 1941.

⁴⁵ *Cong. Rec.*, 77th Cong., 2nd Sess., Vol. 88, p. 7945, Oct. 1, 1942.

ultimately responsible to Congress, functioning primarily as an instrumentality of the executive branch. At least one representative has looked askance at staffing, out of a fear that Congress would be confronted by a combination of the new Congressional experts and departmental specialists whose common interests and information would make them intimate.⁴⁵ Less concern need be felt that the pundits will combine against Congress than that the inevitable conflicts among experts will sharpen the differences between administrative and legislative branches, raising their disagreements to a higher plane by reinforcing their predilections with statistics. Moreover, staffing may be objected to because it needlessly duplicates specialists who are already to be found on federal payrolls and reflects upon the integrity of the civil servants, many of whom are undoubtedly as faithful to the Congress as to the executive. All proposals for staffing must be considered in the light of the fact that Congress is already elaborately staffed, at a cost of several million dollars annually.⁴⁶ Provision for staff for Congressional committees without duplicating governmental personnel is suggested by a joint resolution which would make available research secretaries from the Legislative Reference Service in the Library of Congress.⁴⁷ Representative Cochran has introduced a bill enabling committees to call upon qualified personnel in the executive departments to aid them in their investigations, providing the departments are reimbursed and the public service is not impaired.⁴⁸

Measures to provide experts are primarily for the benefit of the appropriation committees, which, by checking expenditure detail, afford the chief Congressional control of administration. Early in the first session of the 78th Congress, the House voted to provide a staff for its Committee on Appropriations and made \$100,000 available for personnel and other expenses incident to the investigations carried on—a staff that would be rotating, with persons from executive departments serving temporarily.⁴⁹

⁴⁵ Clarence Cannon, chairman of the House Committee on Appropriations, referred to by Arthur W. Macmahon in "Congressional Oversight of Administration: The Power of the Purse, I," *Political Science Quarterly*, Vol. 58, No. 2, p. 187 (June, 1943).

⁴⁶ See Lindsay Rogers, "The Staffing of Congress," *ibid.*, Vol. 56, pp. 1-22 (Mar., 1941).

⁴⁷ H. J. Res. 57, 78th Cong., 1st Sess., introduced by Representative Dirksen.

⁴⁸ H. R. 2468, 78th Cong., 1st Sess. A bill of a similar nature, but with provision that the compensation of personnel be paid out of the appropriations of the Department, was introduced by Senator Bone. S. 1556, 78th Cong., 1st Sess. Both Representative Cochran and Senator Bone explained that they proposed these measures (to permit committees to continue to use experts from executive agencies) after the Comptroller General had ruled that a select committee cannot secure help from government agencies unless the matter being investigated has a direct bearing upon the activity of the agency when the request is made.

⁴⁹ H. Res. 69 provided the staff and H. Res. 116 made the appropriation.

Later in the same session, the Senate likewise authorized the employment and payment of experts to serve its Appropriations Committee.⁵⁰ Specific provision for "examiners and other personnel" to acquire adequate information for use of subcommittees of the Committee on Appropriations would be made in a resolution introduced by Representative Ben Jensen.⁵¹ Hearings have been held on a House resolution to establish an Office of Fiscal Investigation, with "inquisitors" whose sole duty would be to obtain information on the functioning of the executive departments and independent agencies to determine if proposed appropriations would be used efficiently and economically.⁵² The department heads would furnish the Office with whatever information it requested, permit the examination of their books and files, and allow the investigators to spend such time as they might deem necessary in the offices or working establishments of agencies. The resolution's sponsor reiterated: "I deem it highly important for the House of Representatives to have fiscal agents of its own who will follow up these appropriations and be able to advise us in detail just how the money is expended."⁵³

From the standpoint of integrating the staff into the established machinery, there is merit in Representative Dirksen's proposal to create a Federal Efficiency Service in the General Accounting Office.⁵⁴ The activities of the Service would be closely linked with the Bureau of the Budget and would include long-range fiscal planning as well as intensive study of segments of the administrative hierarchy with a view to streamlining. Two further bills seek to implement the General Accounting Office for staffing purposes. The first would appropriate \$20,000,000 to the Comptroller-General so that he might equip himself to carry out his express responsibility of making reports and recommendations to Congress.⁵⁵ The second would strengthen the Comptroller-General's powers and make mandatory surveillance of the overlapping of duties and functions in federal agencies.⁵⁶ "The purpose of my two bills," Representative Jones explained, "is, first, to give him [the Comptroller-General] the money, and second, to make his services available to any member of

⁵⁰ S. Res. 193, 78th Cong., 1st Sess.

⁵¹ H. Res. 325, 78th Cong., 1st Sess. The funds for these examiners would be provided by H. Res. 326.

⁵² H. Res. 358, introduced by Representative Fritz G. Lanham. This measure had been introduced earlier in the session by Representative Lanham as a bill, H. R. 83.

⁵³ Letter to the author from Representative Lanham, Oct. 12, 1943.

⁵⁴ H. R. 30, 78th Cong., 1st Sess.

⁵⁵ H. R. 3275, 78th Cong., 1st Sess. This appropriation reveals Representative Jones' idea of the "enormity of the task," which he feels similar proposals introduced by other Congressmen do not recognize. Representative Dirksen's bill to establish a Federal Efficiency Service appropriates only \$2,000,000.

⁵⁶ H. R. 3274, 78th Cong., 1st Sess.

Congress, in addition to committees, who has the desire to delve into expenditure of money by federal departments and agencies."⁵⁷

Another alternative for staffing appropriation committees is offered by Representative Jones' bill to make the Bureau of the Budget an independent establishment.⁵⁸ The Bureau would henceforth report all findings and recommendations to both the President and Congress. According to the sponsor, the agency's efforts would accrue to the benefit of the legislative branch as well as the executive.⁵⁹

Section 212 of the Budget and Accounting Act of 1921 already provides: "The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request." One investigator recently stated: "It is at once apparent from the organization of the Bureau of the Budget as well as from this language [Sec. 212] that it was not meant to be an advisory agency to Congress in the same manner in which it advises the President."⁶⁰ Be that as it may, neither the law nor the organization precludes closer relationship between the Bureau of the Budget and Congress. If appropriation committees feel the need of "specialized counsel," they might wisely call upon Budget Bureau examiners, who undoubtedly would be quite as well informed on the needed outlays of agencies as are the latter's own spokesmen. Although constant coöperation between budget officials and appropriation committee members is common practice in state government,⁶¹ by contrast in Washington the "sub-committees (on appropriations) seemed to be provoking the bureaus to revolt against Budget control."⁶²

Full utilization of the analysts of the Bureau of the Budget by the appropriation groups would be infinitely better than duplicating them with a new staff of experts attached to the committees. It would likewise be better than implementing the General Accounting Office, thereby involving it still further in expenditure control. Making the Bureau of the Budget an independent agency to foster this coöperation would, however, place the executive budget system, which was a generation late in its adoption, in jeopardy at the very time when it is coming to maturity as an efficient agent of executive management.

⁵⁷ Letter from Representative Robert F. Jones to the author, Oct. 20, 1943.

⁵⁸ H. R. 3273, 78th Cong., 1st Sess.

⁵⁹ Letter from Representative Jones to the author, Oct. 20, 1943.

⁶⁰ Norman Pearson, "The Budget Bureau; From Routine Business to General Staff," *Public Administration Review*, Vol. 3, No. 2, p. 217 (Spring, 1943).

⁶¹ See the author's *Role of the Governor of Michigan in the Enactment of Appropriations* (Ann Arbor, 1943), p. 168.

⁶² Arthur W. Macmahon, "Congressional Oversight of Administration: The Power of the Purse, II," *Political Science Quarterly*, Vol. 58, No. 3, p. 411 (Sept., 1943).

The forty or more proposals made in the first session of the 78th Congress emphasize the deep interest in modernization and self-improvement which at present exists within the lawmaking body itself; and the extent to which these numerous suggestions conform to a pattern, while differing in detail, indicates the direction in which Congress is thinking and moving. One measure for checking administration and three for furnishing the appropriations committees with more adequate staff have already been adopted. If the mainspring of the present reform movement amounts to more than the characteristic unhappiness which Congress manifests in wartime, other significant developments may confidently be expected.

INTERNATIONAL RELATIONS

PEACE PROBLEMS OF TODAY AND YESTERDAY

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The wars which are now drawing to a close can be compared to the Thirty Years War (1618-48), the War of the Spanish Succession, which really began in 1688 and lasted until 1713, and the French Revolutionary and Napoleonic Wars (1789-1815). Each of these wars lasted thirty years or slightly less, and if we begin the present war in 1914, it already has become a fourth thirty-years war.

All of these wars left problems which had aspects in common. In all, there was the problem of returning to the ways of peace, of settling boundaries and governments, of reconstruction, and of maintaining a stable international order. But in each successive war the area involved was larger, the number of participants in the peace was greater, their economic relationships were more pervasive, and a more intensive international political organization was attempted.

At Westphalia in 1648, the effort was rather to establish the independence of states than to organize their interdependence. The ancient structure of the Holy Roman Empire and the universal spiritual authority of the Papacy were crumbling. The national independence of Switzerland and of the Netherlands and the virtual independence of the states of Germany were recognized. The notion of the sovereign territorial state, so different from the conception of a feudal hierarchy which had dominated medieval thinking, took root in men's minds and was promoted by the administration of efficient governments beginning to realize the possibilities of building power upon national sentiment.

The treaties of Westphalia recognized the virtues of arbitration and common action to preserve peace, but as afterthoughts. National sovereignty, acting within clearly defined boundaries and recognizing the precepts of the international law to which Grotius had given form in the early stages of the Thirty Years War, was considered the best instrument of peace and order. In the conditions of Europe, largely peasant and without important land transportation, this position was not unreasonable.

This hope of peace, however, was not realized. Louis XIV, who as an infant became entitled to the French throne in the later stages of the Thirty Years War, sought, in his maturity, to reunite Europe by force, diplomacy, and the marriages of his descendants. The states, with their newly found sovereignty, did not propose to be dominated, and in their alliances and wars against the Grand Monarch, the balance of power was elevated to a principle. One of the treaties made at Utrecht in 1713, which

gave the death blow to Louis' ambitions, stated in its preamble that its object was to restore the balance of power. Sir William Temple and King William III of England had understood, and operated on, balance of power principles during the wars, and after them Bolingbroke and David Hume expounded and extolled this principle as a source of order, peace, and national security.

The principle of balanced power, which meant that in a crisis all of the states should collaborate to thwart the ambitions of the most powerful, did not preserve peace, but it did preserve states during the eighteenth century. The genius of Napoleon, playing on the revolutionary enthusiasm for nationalism, upset the balance and conquered most of Europe. The peace of Vienna in 1815 was designed to restore the political equilibrium and the sovereignty of the legitimate monarchs. It, however, introduced a new principle, that of the Concert of Europe. The great powers, conscious of their responsibility for peace and order, were to meet in conferences to preserve the public law of Europe whenever that law was threatened. These conferences functioned as a system during the seven years when Castlereagh was British foreign minister, but after him British isolationism and the American Monroe Doctrine weakened but did not destroy the system. With the exception of the mid-century period of national wars in Germany, Italy, China, Paraguay, and the United States, the European Concert, supported by British sea power, British economic power, and British diplomacy, guided international relations and kept the peace in Europe better than in any century since the *Pax Romana* of the Antonine Caesars.

This comparative tranquillity was ended by the rise of the United States and Japan as great powers, the weakening of the relative position of Britain, the increasing concentration of economic power, the development of a high degree of interdependency among nations, and the capitalization, mechanization, and totalitarianization of war. New inventions, especially in the fields of power transportation, of electrical communication, of aviation, of democratic government, of public administration, and of propaganda contributed a great deal to these changes in the conditions of world politics. The balance of power was broken, and the Concert of Europe, lacking the participation of the great non-European powers, could not rectify it.

The war which began in 1914 has aroused men's minds to the fact that international politics has become a world, not merely a European, phenomenon; that the world is small and is becoming smaller; that its parts are interdependent; that each of these parts is doomed to be drawn into any war between great powers; and that war is bound to be more expensive than ever before, whether measured by the percentage of national production necessary to sustain it, by the destruction of human life and

property, or by the magnitude of the distortions of economics for years before and after the active fighting.

Realization of these facts by the public has been painfully slow. In the United States and in the British dominions, men could still think of isolation as had the men of Westphalia. In England itself, men could still think of the balance of power as had the men of Utrecht. On the continent of Europe, men could still think of the Concert of Europe as had the men of Vienna. The leaders, it is true, realized, even in 1918, that none of these systems of world politics was enough. They have realized it more vividly at the recent Moscow, Cairo, and Teheran conferences; and both peoples and parliaments appear ready to accept their conclusions.

The problem remains of establishing an effective organization of the world as a whole with enough power at the center to maintain law and prevent aggression, but with assurances that that power will not be used to subvert human liberty or national autonomy.

In each of the great peace conferences of the last three centuries, the problem of international order has been faced, but as they succeeded one another, population increased, trade expanded, agriculture and industry became more productive, peoples became more literate, and publics asserted more influence on policy. The steamboat, the locomotive, the automobile, and aircraft, shortened travel times. The printing press, the newspaper, the post office, the telegraph, the telephone, and the radio reduced communication time until the world became no larger than an assembly hall. The old truth was illustrated that as social and economic relations become more extended and more intense, the price of order is more universal, and more intensive, legal and political organization. The statesmen must have the ingenuity to effect that organization, and the people must have the will to make it succeed, or the world will be faced by more frequent and more destructive wars.

Let us consider three aspects of the problem—the procedure of peace-making, the principles of world order, and the application of these principles to prevent aggression and to promote welfare and justice.

Peace-making during the past four centuries has developed a pattern of armistice, peace conference, and peace treaty. When the treaty is ratified, war is ended and peace begins. The theory of this pattern does not correspond to the facts. War is in fact the culmination of a wave of increasing international tensions and minor hostilities, and peace is the recession of that wave with diminishing hostilities and tensions. The problem of peace-making is not in fact confined to the ending of active hostility, but is a continuous effort to diminish the amplitude of these waves. It is like the problem of controlling booms and depressions.

The traditional process of peace-making dramatizes a mistaken idea, induces an unjustifiable relaxation, and results in a false sense of security

when the "peace" is ratified. It has other disadvantages. The armistice sustains active hostility, but does not end blockade. To the defeated, it may usher in a period of quasi-peace worse than war. Furthermore, the peace conference, though theoretically a negotiation in which the belligerents are equal, is actually a dictation by the victor to the vanquished. The latter is ordinarily required to establish a government which is satisfactory to the victor and which can sign the peace treaty. But that government, having signed a dictated peace, loses prestige with its people and presently a government pledged to destroy the treaty comes into power. By this method the victors assure the eventual destruction of their work. Under the traditional pattern, the peace treaty itself has usually been more concerned with boundaries and reparation than with operative international institutions. It has been a static instrument ill-adapted to cope with changing conditions.

Instead of this ancient and inadequate process, men are today thinking of the building of dynamic peace even while fighting is in progress. The process began before the United States was in the war, with the declaration of the Four Freedoms and the Atlantic Charter. This was followed soon after Pearl Harbor by the Declaration of the United Nations, and the Master Lend-Lease Agreements. The process has continued in the Hot Springs Food Conference, the creation of UNRRA, the Atlantic City conference, and finally the Moscow, Cairo, and Teheran conferences. The principles of a world order of security and justice, and institutions to apply and develop them during the transitional period, have been in considerable measure established already. It is possible that there will never be either a peace conference or a peace treaty. The United Nations, which constitute three-fourths of the world's population, may well assume the responsibility to speak for the world community as a whole, as indeed they declared that they did in Moscow, and to set forth principles which will constitute legal obligations for all the nations and all the peoples.

As the Federal Convention of 1787 produced a constitution "for the people of the United States" and declared that it would be binding when ratified by nine of the thirteen states, so the principal United Nations must formulate the constitution of the world order and declare that it will be binding when accepted by a suitable number of the United Nations and the neutrals. Such an assumption of responsibility to establish conditions to which the enemy nations and a few recalcitrant neutrals would have to conform would be more realistic and less hypocritical than the façade of consent, feebly concealing the reality of dictation, characteristic of peace-making in the past. Reconstruction after the American Civil War was far from satisfactory, but it made a peace that stuck, and it made it not by false negotiations, but by the policy of the victorious North speaking in the name of the United States as a whole. Doubtless the result would have

been better if that policy had been dominated by Lincoln's wish "to bind up the wounds" rather than by the vindictiveness of Thaddeus Stevens, who wished to treat the South as "conquered soil."

We must think of the process of peace-making as proceeding from successive impulses from the Big Four, first accepted by the other United Nations, then by the few neutrals, and finally by the enemy powers. What is required is a skillful statesmanship that knows how to combine decision with justice, force with persuasion, and promptness with deliberation.

The League of Nations failed primarily because the failure of the United States to join destroyed the faith of the other powers and deprived the League of the capacity to grow and to adapt. The League also suffered from flaws in its principles and its structure. Though these might have been remedied if all the important nations had been determined that it should succeed, in fact they presented fatal obstacles in certain critical situations.

One of these flaws was the lack of universality and permanency. The League hoped to be universal, but it was a contractual organization. It consisted of members who were voted in, who ratified the Covenant, and who could withdraw on two years' notice. It was not recognized that such a contractual relation can be effective only within a legal order and cannot itself create a legal order. The latter rests upon the will of the people to maintain law, order, and justice. The United States of America became a legal order when the people accepted Webster's interpretation that the Constitution proceeded from "we the people of the United States" and rejected Calhoun's insistence that the Constitution was a contract between states. International law has always regarded its rules as binding upon all states by virtue of their existence within the universal community of nations.

The United Nations must proclaim that the new organization to maintain international law and prevent aggression has a universal competence. All states must be members in the sense of being bound by its obligations, and no state may withdraw and defy it as Japan withdrew from the League of Nations and defied it in 1933. This principle implies a distinction between the legal membership of all states and the political participation of governments which should be limited to those recognized to be reliable. The enemy states should be members in the first sense from the beginning, though their governments may, for a time, be deprived of the opportunity actively to participate, as were the governments of Southern states for the period after the Civil War.

A second principle upon which the League was not clear is the outlawry of aggressive war and the elimination of neutrality. If the world is to have order under law, external violence by a government must be characterized as aggression, as defense, or as police. In civilized systems of law, inten-

tional violence by one individual against another is either crime, justifiable self-defense, or police action. There is no place for duelling, which presents the only analogy to war as it was recognized in international law before 1914. The law of neutrality, based on the theory that non-participants in war must be impartial and must aid neither side, illustrates the character of war under that law as a permissible method of settling international controversies—as a trial by battle or a duel of honor.

If totalitarian fighting is to be eliminated, as it must be if civilization is to continue, that idea of war and neutrality must be abandoned. The world must provide itself with institutions to determine, whenever hostilities occur or are threatened, which belligerent is the aggressor and which is the victim defending himself. It must provide itself with means for preventing and stopping the fight, for preventing the aggressor from profiting by his venture, and for protecting the victim. With such a theory, clearly neutrality has no place. All states need not be obliged to participate in active sanctions against the aggressor, but all must morally favor the forces of law and order and oppose the international criminal.

The principle was implicit in the Pact of Paris, commonly known as the Kellogg Pact, which made illegal any effort among its parties to settle disputes except by peaceful means, and recognized that any party which violated this obligation rendered itself liable to sanctions by the other parties. The Pact, however, lacked adequate procedures for applying its principles, and the effort to incorporate it in the League of Nations Covenant, thus stopping the gap in that instrument through which war might leak, was unsuccessful. It is worth recalling, however, that the elimination of the obligation of the old law of neutrality, to be impartial between the belligerents, was utilized by the United States in justifying the Destroyer Deal and the Lend-Lease Act before its entry into the war. The Kellogg Pact, ratified by nearly all countries of the world, has gone far in establishing this indispensable principle for a peaceful world order; but it needs implementing procedures.

A third principle is that which subjects all disputes to some form of third-party judgment. To be judge in one's own case is the essence of lawlessness. Yet international law in the past has recognized this as a prerogative of the sovereign state. According to the Permanent Court of International Justice, no sovereign state is subject to any international jurisdiction except with its own consent. It is true that the optional clause of the Statute of the Court created a jurisdiction for all states which accepted it, and in the late 1920's a large proportion of the states did accept it. It is also true that the Covenant required submission to the Council of political disputes which threatened a rupture. Such procedures must be strengthened by giving the Permanent Court of International Justice competence to decide the legal aspects of any interna-

tional dispute on unilateral application by one of the parties, and by widening the authority of the world council to deal with the political aspects of international disputes. The Council must be competent to act without counting the vote of the disputing states. The insistence on absolute unanimity in the preventive procedures under Articles 11 and 19 of the Covenant was unfortunate.

Finally, the international order must rest upon individuals as well as upon governments. It must protect fundamental human rights and must provide for the punishment of individuals guilty of crimes against international law. This principle is necessary because no political organization can be strong unless it rests upon the sentiment of men. A government cannot be relied upon to observe its international obligations unless the public, from which its power derives, is composed of individuals who, in addition to being citizens of the nation, are also citizens of the world, insistent that international law shall be observed. Governments representing nationally-minded publics will be nationalistic themselves.

Furthermore, democracy requires that the state be for man, not man for the state. International law of the past, in holding that states alone were its subjects, permitted the state to oppress and massacre its own nationals. Intervention in the domestic affairs of other states has in principle been illegal. While normally it is preferable to let each state make and enforce law within its domain, international law loses its reason for being if it tolerates a complete suppression of man by the state. Protection of fundamental rights for preserving the dignity of human personality must be a matter of concern to the international legal order. While intervention in internal affairs should be forbidden, the gross violation of human rights should not be regarded as an exclusively domestic matter.

It has often been remarked that a state is difficult to coerce. The state is an illusive abstraction. To coerce it is war, which arouses all patriotic citizens to defend their state even though they oppose the policy of their government. Such coercion also visits hardship upon the innocent as well as the guilty. With these considerations in mind, sanctions should be exerted, not against states, but against governments. The state, being a creation of law, should be regarded as incapable of committing a crime. If aggression occurs, it should be considered the act, not of the state, but of the government, which has acted beyond the legal authority of the state. The government should, therefore, be considered responsible, not only to the international community, but also to its own state whose basic obligations it has betrayed. If the international organization applies sanctions against the government, it can properly ask loyal citizens of the state to work with it and against the delinquent government. Such a theory requires that the individual, as well as the state, be a subject of international law.

A peaceful and orderly world requires more than universal commitment to sound principles. It requires also adequate international organization, effective procedures, and a continuing will to use them by governments and peoples. Lack of the latter by the principal governments was as important in the failure of the League of Nations as was the non-universality of the League and the flaws in the principles and procedures established by the Covenant. The United States impaired the faith of Britain, France, Italy and Japan in the League when the Senate refused to consent to ratification of the Covenant. Germany and the Soviet Union, not at first invited, later became members. The Soviet Union adhered faithfully to the letter and spirit of its obligations from its entry in 1934 until the Munich Agreements convinced it that Britain and France had abandoned League principles. Germany, although a member of the League from 1926 to 1935, was always faced by a considerable domestic opposition, hostile to the League because of its association with a lost war. A will is needed, but so is an effective organization to maintain it and to channel it.

The first problem of international organization is security. Peoples dependent on their own arms alone for defense will tend to sacrifice welfare and justice for a superior power position. In the modern world, such a position requires assurance that a state will have essential war materials and supplies of food within the area it can control during any probable war. To gain such assurance, states pursue policies of economic self-sufficiency and territorial expansion unfavorable both to economic welfare and to peace. The only solution is a system of collective security under which each state will depend for its defense, not upon its own arms alone nor upon a balance of power, but on common action of all states against aggression.

The League's experience has shown that a system of collective security, dependent on the political willingness of governments to carry out sanctioning obligations after a crisis has arisen, is likely to fail because of the fear of each government that others will not collaborate and because of slowness in getting under way. With experience of these difficulties, the idea has gained ground that collective security should be implemented by an international air force recruited by volunteering and immediately at the disposal of the international council. Such a policing force, based on internationalized islands or other bases at strategic points throughout the world, could act as the spear-point of a collective security system. It could immediately be on the spot where aggression is occurring or is threatened, and could thus deprive the government contemplating aggression of the hope that it could gain its ends before the peace-loving nations organized their sanctions. Such an international air force would add to world order what the uniformed police of modern states has added

to the sheriff's posse. It would not be able to deal with serious aggressions unless supported by the armies and navies of the peace-loving states of the world, but it would be able to deal rapidly and effectively with lesser aggressions which might, if left alone, develop serious war. It would also be able to launch an initial attack, even upon a major aggressor, and thus to stimulate the peace-loving governments to fulfill their sanctioning obligations.

The problem of determining the aggressor never proved difficult in League experience. The Council, faced by a threat or an active aggression, could order the governments involved to withdraw their forces behind prescribed lines, and could then send a commission to the spot to see that these orders were carried out. If both the disputing states responded, hostilities would be averted. If one failed to respond, that one would be properly designated the aggressor. In the cases which came before the Council, this procedure proved effective to determine the aggressor. The difficulty arose because of the lack of sufficient power and will to act against the aggressor in a manner to deter or stop his aggression.

There has been concern lest an effective international police force should endanger national liberties, but with a relatively small force, usable only when authorized by the international Council and with that Council fairly representative of the principal nations there would be little danger of this, even less danger than that the executive of a democratic state will establish despotism by subversive use of the army. In an international society, as in national societies, the only ultimate protection against tyranny is eternal vigilance of the people to maintain law and constitutional procedures. Such vigilance would be necessary if the international constitution is to be preserved.

Welfare and justice are the ultimate objects of international organization. Unless they are in a measure achieved, a system of security will eventually break down. But if people are confident that security has been achieved for a considerable time, the opportunity is offered to develop a freer and less discriminatory international economy, to establish adequate procedures of peaceful settlement and adjustment, to advance international justice, and to assure the protection of fundamental human rights. The details of organization and law to accomplish these results can be developed only gradually and only in a world which inspires general confidence in its stability. This is a task of the future.

The first task is to win the war, and the second is to establish the fundamental institutions of international security. Toward the achievement of these tasks, the Moscow Conference made important strides. The solidarity of the Great Powers in the war effort was affirmed. Commissions on Europe and on Italy were established, and the authority of the great nations to assure stability during the transitional period in behalf of the

international community was asserted. More important still was the declaration of the four powers concerning permanent international organization for peace and security. The inclusion of China indicated that world-wide organization is contemplated, as did the assertion that the organization is to be general and open to all peace-loving states. The assertion of the principles of "sovereign equality" of such states recognized the claim of small states to have their rights respected, though it is to be hoped that the word "sovereignty" will not be permitted to militate against the establishment of a general law binding all, and workable procedures for changing the law as conditions change. Sovereignty, compatible with the maintenance of international peace and security, must mean freedom under law, not absolute freedom.

Especially notable in the Moscow declaration was the assertion of an intention to establish the general and permanent organization "at the earliest practicable date." With the support offered by the Fulbright and Connally Resolutions passed by the United States House and Senate, and with the indication by several polls of a public opinion anxious for American participation in effective international organization, it is to be anticipated that successive steps toward the realization of this organization will proceed during the war. With such a development, the prospects of pioneering new procedures in peace-making will be excellent. Instead of following the precedent of peace-making by agreements which are actually dictated by the victor, thus encouraging the vanquished to prepare for revenge, the community of nations as a whole under the leadership of the United Nations and of the Big Four must organize itself and proclaim the principles of peace, security, and justice; the means to punish present aggressors and to prevent future aggressions; and the institutions for reconstruction and for the administration of international justice. By such a procedure, the transition from war to peace may proceed by orderly process and with effective results.

POST-WAR PROBLEMS IN OUR LATIN-AMERICAN RELATIONS*

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Any discussion of postwar problems in our relations with Latin America must begin with a consideration of the great changes which have taken place in hemisphere relations during the war period. Since 1939, the American Republics have achieved a degree of cooperation in international matters which would hardly have seemed possible a

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few years earlier, and today all but one of the nations of the Continent are helping the United States either as belligerents or as non-belligerents in the prosecution of the war.

On the military side, our neighbors have given us bases for our Naval and Air Forces and have strengthened their own armed forces, in most cases with the aid of missions from our Army and Navy. Some of them have taken an active part in anti-submarine operations, and Brazil is preparing to send forces abroad. On the political side, they have set up machinery for coöperation in dealing with fifth column and other hostile activities. The importance of their coöperation in these matters is inestimable. Of still more significance, perhaps, has been their economic aid.

After Pearl Harbor, Latin America became one of the great sources of supply for raw materials which we desperately needed in our war effort: copper, tin, manganese, nitrates, sugar, petroleum, and many others. To maintain and increase the production of these commodities was a matter of the greatest importance. It was hardly less important to have Latin-American coöperation in developing the production of other commodities which had hitherto come from tropical regions now under enemy occupation. Rubber was, of course, the most important, but hemp, quinine, and various sorts of vegetable oils were also urgently needed. We and some of our neighbors have entered into ambitious projects for creating new supplies of such products in the Western Hemisphere, establishing experiment stations and experimental farms, bringing under cultivation large amounts of land, and mobilizing great numbers of laborers. These projects have involved the development of hitherto sparsely inhabited areas where there are formidable problems of transportation, manpower, food, and disease. To deal with these, we have sent hundreds of specialists to Latin America and have spent many millions of dollars. Such operations create countless new forms of contact between our government and those of our neighbors, and today North American officials are participating in the conduct of purely domestic affairs in Latin-American countries to an extent which would have seemed unimaginable a few years ago.

There has never been a period when inter-American coöperation was so close or so effective. It is extremely important that inter-American relations should continue on the same plane during the uncertain and difficult period which will follow the war. Unfortunately, there is no certainty that they will so continue, unless we can overcome several rather serious obstacles. Some of these are already present, and now prevent the fullest coöperation on the part of the people, if not the government, in certain Latin-American countries. Others will come to the fore as the war emergency passes.

In the first place, we must face the fact that there is still much dislike and distrust of the United States south of the Rio Grande. There is inevitably jealousy, and some fear, of a nation so much richer and more powerful than any of its neighbors. This feeling will find much to feed on in the very measures which have gone so far toward drawing the two portions of the Hemisphere together during the conflict. We have troops in several Latin-American countries, and we are using parts of the territory of several countries as naval and air bases. We have missions of all sorts advising their governments in military matters, in agriculture, in public health, in public finance, and in many other fields. To us, all this seems encouraging evidence of an increasing spirit of Pan-American coöperation. To persons in Latin America who distrust us, or to uninformed persons who are influenced by hostile propaganda, it may well seem something quite different. The presence of foreign troops in a country is always apt to be distasteful to the inhabitants; and foreign advisers, if they do their duty, will sometimes have to give advice which will offend local interests or local susceptibilities. Furthermore, the mere fact that large numbers of foreigners, with apparently unlimited funds at their disposal, are actively concerned with a country's internal economic and social problems must be disturbing to many persons who have no particular prejudice against the United States. There has apparently been little outspoken opposition to coöperation with the United States in the war effort, but there have been many suggestions of uneasiness about the way in which we might use our wealth and power if there should be a change in our policy. The fear that our policy may change is, of course, strengthened by political criticisms of the Good Neighbor policy and by the realization in Latin America that some of these criticisms are well founded. We could hardly expect any government to embark on a program of such magnitude; involving so many new problems, without making mistakes.

Probably not very many thinking people in the United States would advocate the abandonment of the Good Neighbor policy, if we understand by that phrase a policy of non-intervention in our neighbors' affairs, of coöperation in matters of common interest, and of settling disputes by agreement or arbitration rather than by taking advantage of our superior power. These are principles which were coming more and more to govern our policy for some time before the advent of the present Administration, and they are principles which no President of the United States is likely to abandon. It ought to be possible to reassure our Latin-American friends on that score. Where the danger does lie is in the fact that the situation will change. After the war, and perhaps before the end of the war, we shall no longer need so urgently

the raw materials which Latin America is furnishing and we shall want to curtail our purchases. This will mean a difficult process of readjustment. Profits from mines and other extractive enterprises will decrease and thousands of men will be out of work. In many places where the United States Government itself has been employing men at wages which seem fantastic by local standards, people who have become accustomed to new ways of living will be compelled to revert to pre-war conditions. In other places, ambitious development projects will have to be curtailed or abandoned. The great reserves of foreign exchange which most Latin-American countries have built up will help to cushion the blow, but we may doubt whether these will be used in such a way as to help the masses of the people. The reopening of European markets and the demand for reconstruction work abroad may offer a considerable measure of relief, but these factors will probably be offset to some extent by the resumption of production in the tropical Far East. In any event, there will have to be an abandonment of wartime enterprises which will cause hardship to many people, and the United States has been too prominently associated with the birth of these enterprises to escape a large share of the blame for what happens.

What we can and should do in this situation will be one of the first great post-war problems. We have already agreed to buy quantities of certain commodities at fixed prices over a term of years, and we shall of course honor these contracts. But there will be demands that we go farther, particularly in the case of industries which we have encouraged to expand to help the war effort. It may seem advisable to do so in certain cases, at least temporarily, both as a matter of equity and as a means of assuring supplies of strategic raw materials from this hemisphere. In general, however, it seems to me that it would be unwise to adopt any program of supporting uneconomic industries in Latin America as a permanent policy, and that farsighted Latin-American statesmen would not wish us to do so. Pan-American solidarity will rest on a much sounder basis if each nation stands on its own feet without asking or receiving special favors which might easily assume the appearance of economic imperialism. The same reasoning would suggest that we should curtail our financial participation, though perhaps not our technical collaboration, in projects like the ambitious scheme for the development of the Amazon Valley.

There is another potential source of bad feeling arising from our wartime economic policy. Much of the money which we have put into development work in Latin America has been spent outright by the United States as a part of the cost of the war, but there are also loans amounting to some hundreds of millions of dollars which our government has made to Latin-American governments through the Export-

Import Bank and other channels. Without attempting to discuss the necessity for these loans, or their merit as business propositions, we may wonder how the existence of large unpaid debts will affect the Latin-American governments' attitude toward us after the war. In countries which can pay, and wish to pay, the effect will presumably be small. But many of these loans were made to governments which were already in default on bonds held by private American investors and which have shown little interest in paying debts to foreigners because they thought that they could use the money better at home. Will there not be the same feeling about debts owed to a foreign government? At best, a debtor-creditor relationship is not a healthy one between states, and we shall be fortunate if the matter can be worked out without causing bad feeling. Happily, the amount involved is not as large as it once seemed likely to be, because our great purchases from Latin America, combined with our inability to ship goods in return, have resulted in dollar exchange balances which have reduced the need for new loans and facilitated the payment of old ones.

There is more danger to inter-American friendship, perhaps, from the political problems which seem likely to present themselves. During the war, we have worked with the governments which happened to be in power in Latin-American countries. Most of these are régimes which came into office and have remained in office, not through fair elections, but by the use of force. Coöperation with us in the war effort has greatly strengthened these régimes as well as the governments which are not dictatorships. In the Caribbean region, especially, it is usually very difficult to overthrow a government which is popularly supposed to have the support of the United States. It is more difficult when the government has plenty of money to spend. The courtesies which we have extended to chiefs of state, our loans and development projects, and especially our shipments of actual military supplies on a lend-lease basis, have all tended to support the status quo. It would be most unfortunate, in fact, if we did not have a considerable measure of political stability in Latin America during the war period.

The other side of the picture, of course, is the antagonism which our policies arouse among the opposition parties, and the temptation, which inevitably exists, to foment anti-American feeling as a means of weakening the governments in power. Groups which seek to use anti-Americanism as a political issue will, of course, be encouraged and aided by our enemies in other countries. Their activities will grow more embarrassing to us as the régimes with which we are allied begin to lose the popular support which many of them now have; for almost all dictatorships in Latin America sooner or later outlive their welcome. The situation may be especially bad if there is an economic depression, and consequently

a period of serious political unrest. We may need all of our statesmanship, and all of our patience, to establish satisfactory relations with a new crop of Latin-American governments in the post-war years.

Besides these more or less transitory problems which will remain as an aftermath of the war period, there will be questions of a more fundamental nature. In the first place, what will be the general character of the political relationship between the American nations in the post-war world? Obviously we cannot answer this without knowing what our relationship with the rest of the world is going to be, but we can attempt to foresee how our position in the Hemisphere might be affected by the adoption of one or another of the various courses open to us.

It is not very probable, for example, that our neighbors would willingly follow us in a policy of isolation or in any attempt to build up a regional bloc in the Western Hemisphere. Aside from their inevitable reluctance to cut off their long-standing commercial and cultural ties with Europe, they would fear, with reason, that such a course would expose them to domination by the United States; and their fears would not be entirely unfounded, since we very possibly might be compelled to give up our policy of non-intervention, at least in the Caribbean. We could adopt this policy in the 1920's because it seemed improbable that any other power could endanger our interests in the Caribbean, but new military techniques and new techniques of ideological and economic aggression in peace-time have completely changed our situation. Isolation, therefore, would very possibly involve us in a new era of imperialism which would be fatal to the Pan-American ideal. The situation would be but little better if we set up a world organization openly dominated by the military power of a few great nations, for this would still mean that the American continents were dominated by the United States and that we would have to play the game of power politics to safeguard ourselves against an eventual breakdown of the system.

On the other hand, if we take part in an international organization in which the small states feel that they have a fair participation, we may expect to find Latin America standing with us in any effort to establish international fair play and to promote the settlement of disputes by peaceful means rather than by force. The Latin-American states have always taken an active interest in measures designed to put international relations on a civilized basis. Their publicists have contributed substantially to the development of international law, and their statesmen have coöperated with ours in building up an extensive Pan-American system of peace machinery. At one time, most of them were active members of the League of Nations, though disputes over dues and general disillusionment later caused several to withdraw.

Whether they would be prepared to permit the new world organiza-

tion to exercise any real authority where their own interests were concerned is more doubtful. They are even more jealous than most nations of their absolute independence and less disposed to submit to dictation from any outside source. In the one case where the League of Nations attempted to apply sanctions on the American continent—the Chaco war—it received little coöperation from the neighbors of the two belligerents, and it was evident that the idea of permitting an American nation to be coerced by an outside agency was distasteful. A recent statement of the basic principles of the inter-American system, published by the Pan-American Union, states that this system “specifically repudiates all pretense at the establishment of a super-state, and denies any pretext at recourse to force or the imposition of sanctions to compel a state to adopt a particular policy or follow a particular course of action.” If this continues to be the attitude of the other American republics, the creation of the sort of league which many of our publicists advocate might complicate rather than help our relations with them.

The future of our economic relations with Latin America will depend also to a considerable extent on the character of the world community which comes out of the war. Commerce and the movement of capital will take place under one set of conditions if there is international coöperation and under quite different conditions if a narrow nationalism continues to dominate economic policies. But in either case, Latin America will play an important part in world trade. Barring changes that we cannot now foresee, Argentina will continue to be one of the world's great exporters of meat and cereals; Brazil, Colombia, and Central America will supply most of the world's coffee; and Cuba will continue to produce sugar. The great oil reserves of South America will be increasingly important, and especially important to us if our own supply is dwindling as fast as we are told that it is. There will still be a demand for copper, tin, manganese, and nitrate. New commodities, such as rubber, manila hemp, rotenone, castor beans, and quinine, which formerly came chiefly from other tropical regions but which have been developed in the Western Hemisphere as a part of the war effort, may continue to play a part, though probably a minor one, in the economy of the Hemisphere.

Concentration on the production of a few great staple commodities has made Latin America important in world trade, but it has also created some of the region's most troublesome economic problems. Coffee-growing countries, for example, were severely affected in the pre-war years because production exceeded the world's capacity to consume. This situation has perhaps improved with the greater diversification of crops in Brazil, but if coffee again becomes profitable we may

expect more planting and the eventual reappearance of overproduction. Sugar is another industry which has passed through bad periods, for sugar, like coffee, requires a capital investment which makes it difficult to reduce output when prices are low. In both cases, international action to restrict production has been attempted, but with little result. In the case of these two commodities, and also in the case of others like wheat, copper, and nitrate, it will probably be necessary to find some solution through international coöperation for the problem of overproduction. We may hope that this will not merely involve restricting production, and that the emphasis will rather be on improving distribution and increasing consumption. We ourselves, as the greatest single market for many Latin-American products, will have to play an important part in any plan worked out.

While continuing to export foodstuffs and raw materials, the Latin Americans will have to continue to import industrial products if they are to maintain and improve their standard of living. It is true that there has been a remarkable development of manufacturing in Latin America during the past twenty-five years and that in some countries many products such as textiles, shoes, and canned goods no longer have to be obtained chiefly from abroad. Even in such countries, however, there is still a great market for machinery, automobiles, motion pictures, and other goods which are not made locally and are not likely to be made in large quantities in Latin America in the foreseeable future. Furthermore, partial industrialization, of course, creates new wants which can be satisfied by foreign trade. The possibilities for further industrialization in Latin America under present technological conditions do not seem very great, for few if any of the countries have the resources necessary for the economical establishment of heavy industries, and difficulties of transportation restrict markets and make mass production difficult.

In other words, the Latin-American countries will continue to depend on foreign trade, and our own foreign trade policy will have an important effect on our relations with them. Fortunately, many of their products now come into the United States free of duty. But we have only to think of Argentine meat and Cuban sugar to perceive that many difficult problems will arise. I suspect that our neighbors will be rather anxious to attempt to solve these problems on a world-wide rather than a hemisphere basis, as they will naturally be suspicious of any proposals seeming likely to make them economically dependent on the United States. Here again the question of the sort of world which we are going to have is of decisive importance. In economic as in political matters, we may hope for the coöperation of Latin America if our policy is directed toward an effective world coöperation.

The Latin-American countries are also going to need foreign capital, for industrial development, for the creation and improvement of public utilities, and to meet many of the other necessities of undeveloped regions which are moving rapidly toward a higher standard of living. Capital can probably be obtained only from the United States in the post-war period, and it is difficult to see by what mechanism we shall be able to provide it. In the past, capital has gone into Latin America either in the form of publicly issued loans or through investments by private interests which have generally operated under concessions and have kept the management of their enterprises in their own hands. In the post-war period, it will obviously be impossible to sell further issues of Latin-American bonds in the American market until much more has been done to wipe out the recollection of recent defaults; and the resumption of direct investment in the form in which we have known it in the past seems equally unlikely in view of the aggressive economic nationalism that has inspired the policy of nearly all of the governments of the continent during the past ten years.

There is probably no one answer to this problem. Some partial solutions are already beginning to appear. Even under present conditions, many foreigners who know what they are doing have found attractive investment opportunities despite laws restricting the employment of foreign personnel, exchange controls, and other devices which have been used to make things hard for the larger foreign companies. Enterprises jointly financed and controlled by foreigners and natives also offer possibilities, though only limited ones, because there are relatively few natives who have money to invest in this way. Perhaps some of the refugee capital which has recently flowed into Latin America will remain there. It is also possible for the local governments to carry on some development work, like road-building, with funds raised from taxation—though low national incomes and defective tax systems make the execution of extensive projects difficult. Progress achieved through these partial solutions probably rests on a sounder basis than more ambitious undertakings inaugurated by means of foreign loans and concessions; but it is necessarily slow. A more effective means of obtaining foreign capital will probably have to be found if some of the poorer Latin-American countries are to develop their natural resources and raise the very low living standards of their people. Perhaps as more normal conditions return a realization of the importance of national credit will lead to a change of attitude toward contracts and foreigners' property rights. It should not be impossible to prevent foreign economic domination, which has been a very real evil, and at the same time to protect the foreign business man in his legitimate interests.

I have sketched very briefly some of the questions which seem likely

to arise in our post-war Latin-American relations, without attempting to say how we should meet them. It would probably be futile to propose solutions now for problems which will look very different when they actually arise. We can only prepare as well as we can to deal with them intelligently and effectively when the time comes. On the one hand, we can try to see that public opinion, which in the long run controls the policy of our government, is better informed. On the other, we can maintain and strengthen the governmental agencies upon which the responsibility will primarily rest. If we can make sure that the problems which will arise will be dealt with by men who understand the Latin-American point of view and who have the technical and moral qualifications which the job requires, we shall not have to worry very much about abstract questions of policy.

INSTRUCTION AND RESEARCH

THE EDUCATIONAL FUNCTION OF SOCIAL SCIENTISTS*

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For the purposes of my discussion, I am defining "educational function" broadly. I take it to comprehend not merely instruction of the youth who regularly resort to academic lecture halls and libraries, but also the impact of such special knowledge as we accumulate upon the adult population generally, and especially upon the officials in government, industry, commerce, agriculture, and labor with responsibility for policy, decision, and operation of our major political and economic institutions.

The entire burden of my remarks is a plea that in the years ahead we move together as a family of related intellectual workers to define more precisely the profession of social scientist. Especially, I urge that we consider together the broadening of the domain of our profession so that, although it remains based in academic life, it will penetrate, as a recognizable, self-disciplined group of investigators and staff advisers, the major extra-academic institutions of our national life.

I am not suggesting the breakdown or blurring of our traditional grouping into political scientists, economists, sociologists, statisticians, psychologists, and anthropologists. I agree with my colleagues that such groupings are an inevitable basis for the specialization necessary to the development of any science. I agree with them also that it would be profitable to explore all intellectual and institutional means for cross fertilization of the major ideas, methods, and hypotheses of our separate groups—perhaps even to establish a common set of underlying values which would give greater coherence to their otherwise rather pluralistic tendencies.

But here I wish to consider, not the content of political and social science, or the relationship between their contents; rather the further development of an occupational structure in which social scientists can work freely and more effectually as a limited group serving a particular rôle in our culture. The opportunity presented us for such a development, it seems to me, was definitely within the observable trends of our profession before the war. The opportunity should be enhanced by our war experience. And it is essentially congenial to the larger framework of rationalistic, democratic culture that is likely to prevail after the war.

The broadened profession should include (1) research, (2) teaching, and (3) extra-academic activity as adviser or non-political administrator,

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operating always within the definite standards (professional ethics, if you will) of the social scientist. Although for some, with narrowly limited skills, there will be life-long concentration on one of the three variant activities enumerated above, the normal professional career should include all three at different times and in different proportions. To create an enlarged area of operation and to gain public acceptance for it, to remove barriers to migration from academic to non-academic pursuits, to define clearly and to enforce through professional discipline such limitations as will build the authority and dignity of the profession, to resist attacks upon the independence of the members of the profession acting within the professional code—these seem a task especially for our combined action, where nothing is to be gained by acting alone as political scientists, economists, psychologists, or anthropologists.

The first leg of the base for the development of social science is and has been *research*. During the last generation, social science research was generously encouraged by the universities and philanthropic foundations. Especially, the Social Science Research Council has performed a necessary service in examining the problem of defining scientifically sound, usable techniques in social research. But looking now at political science only, I doubt if many of us find any great satisfaction in the quantity of scientific content accumulated in our field. By this I mean the body of tested, verified knowledge regarding the characteristics and operations of political institutions in our own and other cultures—generalizations to which there attaches the authority of nearly universal agreement among members of the profession. Only with such a body of knowledge can we do anything but pose as scientists without running the danger of being exposed as quacks. Only with such a content are we as a special group of much use to the community, or can we expect to win their general acceptance as such.

For a year or more, a small group of war-worker political scientists known as a Committee on Congress has had as a pleasant extra-curricular activity the exploration at luncheon and dinner of the behavior and defects of Congress in the company of Congressmen and Senators themselves. At the end of the experience we would all agree that among the present practitioners of the art of lawmaking—and staying elected—there exists no body of lore that political science analysis has missed. The Congressmen have, rather, contributed to the professors data of value and further verification of hypotheses previously held tentatively.

On the other hand, some of the professorial committeemen have become acutely aware that political scientists *vis à vis* this problem of Congress and its relation to the Executive and Administration have very little special knowledge or insights which the practitioners themselves do not have. Consider that here is a problem area which has been at the very center of

our subject-matter since the publication of the *Federalist*. The showing of valuable, accumulated, tested special knowledge in relation to it seems to be scattered, inadequate, thin. This is not to deprecate the eight to ten studies in the field or the eight to ten very able political scientists who have made them. But if we are right in thinking of elected representative bodies as a necessary central feature of a democratic government, and if we give credence to the currently-held opinion that Congress is revealing weaknesses in its day-to-day functioning that are serious if not shocking, there should be at least forty to fifty qualified specialists from our field, working full time over a period of years in this area, in touch with one another and checking and verifying one another's work.

This particular field may not be typical of political science as a whole. But I fear that it is. I am not speaking in criticism or in despair. In the years ahead, I am confident that the careful, thorough building of a common content with the authority of a consensus of research workers will be of major concern to our Association. What I am suggesting is that we consider research more and more a *common* concern of social scientists—presenting a united front in building the essential social science research structure in our universities, securing the necessary funds from taxation and private philanthropy for research purposes. There are many instances where positive, persistent action is required to create and to conserve even the raw materials (statistical or documentary) for research in one of our special fields. This should become a primary concern to all of us rather than to the particular workers directly affected.

If may be that we should examine the possibilities of broadening the actual functions of the Social Science Research Council or that we should relate the Council more organically to vigorous research groups in our separate Associations. The modest attempt in the American Political Science Association recently to create loose, flexible organs of guidance and interchange among research workers in important areas by means of continuing panels has real promise. It gets at the essential structure of research in any field, i.e., a half-dozen to a half-hundred skilled research workers in each special field known and identified in that field for a decade or more, carrying on their investigations in frequent, informal contact by letter and conference, although often separated geographically—producing a body of impersonalized verifiable generalizations to which all workers in the field give voluntary assent, pending further illumination by further study.

The second leg of the base on which our profession rests is *teaching*—in the narrower sense of college and graduate school instruction. Like all professions, the explicit training of the aspirants for membership in our guild is an essential task both for the maintenance and for the improvement of its standards. Less explicitly, the graduate school of the social sciences,

like the medical and law school, is the central point for indoctrination into the ethics of the profession, the things a social scientist does and does not do intellectually and morally. I have felt, as you have felt, in working contact with many a young graduate from our best centers of social science the really important effects of such a residential influence on his professional spirit, his intellectual integrity, and his guild consciousness.

Where the corporate, residential character and the personal influence of teachers fully conscious of the high character of their calling is lost in an individualistic, atomistic, bargain-counter type of graduate instruction, I fear that this essential function of professional instruction is dissipated or entirely lost. I should like to look forward to the day when the social science professions would have a code of intellectual conduct and would visit discipline, disapproval, or ostracism on those who bring the integrity of the guild into disrepute by prostitution of their talents for quick gain, notoriety, or unscientific reformism. But as in the case of medicine, law, and theology, such occasional, painful discipline is not nearly so effective as the quiet building of a social science professional spirit and practice in our graduate schools. Here again it seems to me that we are as strong as the weakest link in our allied professional groups, and should work together in creating a well defined professional ethics.

Some of us may view with misgiving the post-war future of American graduate schools—because of the shrinking of endowments, gifts, and tax revenue available for less palpably reconstructive activities. But if we look upon our world of today and tomorrow and see ourselves comparatively, we are forced to the conclusion that the American university is likely during the generation ahead to become the very center of modern scholarship. It is reasonable to expect that from other countries will come an increasing stream of students in search of the answers to the riddles of political, economic, and social organization and operation which we will continue to face. The social science graduate faculties have responsibilities which are almost frightening—not the least of which is this strengthening, sharpening, and clearly defining in operational terms of the social scientist as a professional.

The older professions such as law, medicine, and theology are limited in their opportunities for instruction to the apprentices entering their professional schools. Social scientists have a much more strategic position in our society. Because of the fundamental need for general understanding of political, economic, and social institutions, it is now all but universally agreed that in some form and quantity the social sciences should be part of general instruction for all who proceed beyond the high school. Our profession, therefore, is not limited to earning its authority by deeds alone. It has the strategic opportunity to inculcate in generation after generation of a segment of the population more than average in quality

the principles and practices, the values and limitations, of social science in dealing with social ills.

Here I detect a note of pessimism or cynicism in the remarks of some of my colleagues. It seems there is evidence that although there may be plenty of teaching in this area of general education, there is very little learning—that is, learning in the strict definition of “learn so that I will act on what I learn.” I share the pessimism, but not the cynicism, of my colleagues. I agree that by our teaching performance as carried on in wholesale, often listless, desultory fashion, or in sincere but frustrated devotion, we are not succeeding in creating a diffused basis for understanding the social sciences as a resource of special, reliable knowledge in dealing with public problems.

But I am *not* cynical. My main concern for the last fifteen years has been as participant with a small corporate group of teachers in the effort to discover whether teaching can be made into a really effective learning process. Our general conclusion is that, provided we are able to employ enough competent social science teachers to do the essential job of getting at the individual student's thinking and working methods in order to criticize them rigorously and to set tasks designed to improve them, we can get surprisingly favorable results. Further, we must be willing to train and to reward teachers who devote themselves zealously and wholeheartedly to the educational task I have described. Only a few teachers probably are content to do this strenuous task for a lifetime. But with a flexibly-organized profession, a large proportion might be willing to do it for a decade or longer—to everyone's profit.

Many ingenious explanations have been given for the necessity of a good teacher's also doing research. What I should like to stress here is that, looked at broadly and in the long run, the usefulness of social science research depends upon really effective teaching to create a general community acceptance of its methods and results.

Here I have made the loose assumption that the undergraduates whom we reach are a really selected group from the point of view of future community influence. As social scientists, we know that such is not yet the case. If the tendencies toward a fuller social democracy through educational opportunity move up into the college level, we may expect the group most deserving of it on the grounds of ability, desire to learn, and of potential leadership in society to receive higher education. But if this tendency is arrested, I submit that wherever possible we ourselves must go to those of ability who cannot afford college, with such instruction as is possible—if they cannot come to us.

The third leg in the base on which our developing professions should be built is that of *participation in a strictly professional capacity in the great*

institutions of our society—participation regularly and normally in research, staff advice, and non-political administration.

This brings me to Washington and the War. The very fact that Washington is the place in the United States where most political scientists and economists today can gather by foot, ten-cent bus, or gas-rationed autos indicates that as a profession we are not carrying on business as usual. We have undergone a striking though temporary dislocation of our personnel, which may be of some significance in our post-war professional development. I do not want to over-emphasize the difference in nature of the tasks performed in Washington as compared with the routine of campus life. Many working here in the civil and military branches of administration are doing research, just as they were before, only in a vastly expanded area—and with much less desk room.

In political science, at least, this incursion of teacher-investigators into the midst of the institutional activities about which they have been reading, writing, and talking is not novel. Ever since the days when the young Charles A. Beard as a journalist swung aboard William Jennings Bryan's special train on the big campaign tour of the country in 1896, and Charles E. Merriam took his seat as a member of the Chicago City Council, there has been a definite, growing belief that capable students of politics, in addition to speculating about the number of teeth, or size of the horns, of the politician, should go out and count them. I would estimate, however, that the war has brought a larger segment of political and social scientists into more prolonged and more intimate contact with the operating mechanisms, the concrete, day-to-day problems of the institutions they have been studying than has ever before been the case.

The reasons are clear enough. A vast wartime bureaucracy had to be created out of a tiny nucleus of professional civil servants. All kinds of people were called to Washington or elsewhere to man the positions: industrial executives, salesmen, journalists, and—in large proportion—economists, statisticians, political scientists, and historians. It has been a typically American improvisation, with a kaleidoscopic, competitive struggle for place and power mingled with honest, earnest desire to be of service.

For a period, the academic groups seemed to thrive as well as any. The reasons here also are not far to seek. Many of the war bureaus had to do with the emergency regulation of business, labor, farmers, and housewives. Business men, labor leaders, and farmers possessed the practical knowledge of the things to be regulated. Many were indeed persons of notable skill in sheer administrative operations. But as they also had intimate past affiliation with the parties being regulated, they were inevitably ill-fitted to achieve any impartial umpiring between competing interests.

Academic social scientists, on the other hand, with less intimate knowledge of the regulated activities (though often possessing a more comprehensive view) were especially fitted by the fact of non-affiliation with the parties at interest to act as umpires on behalf of the general interest. In the earlier emphasis upon policy formation, the social scientists consequently were thrust not only into strategic staff positions, but also into important operating rôles with responsibilities for direct, large-scale administration.

The American social scientist undoubtedly shares in large degree our national quality of adaptability and versatility. Nevertheless, the temperament that leads one to scholarly pursuits, with the daily habits and traditions of academic life, is strikingly different from the temperament, habits, physical make-up even, of one who is led to large-scale administration.

By and large, it seems to me both an unnatural and an unfortunate rôle into which the social scientists were thrust by the circumstances of the emergency. Several have made brilliant administrators. Most, I believe, have done competent jobs—often under great personal strain on account of the sudden adaptation required. It is not surprising, however, and in some senses it is fortunate, that in recent months there has been an appreciable shift from what the Congressmen might call the long-haired boys to the silver-haired boys—the latter, for the most part, men with training in large-scale executive operations who have gone through a period of apprenticeship in New Deal and Win-the-War administration, giving them a keen appreciation of the general or public interest.

The shift was crudely signalized by the OPA statute actually forbidding to professors positions of administrative responsibility. There are some who think that this is only a first step, that the war administrators with academic background will become increasingly a symbolic target for all the irritations at the New Deal, and of inevitable war weariness; and that in due time, they will be gleefully and recklessly purged. Such a wholesale liquidation would be unfortunate. But it should only temporarily interrupt consolidation of the advantage to the social science profession of its war experience. What we may conceive to be the permanent, important gain is the opening of avenues of contact, of access to hitherto unavailable source material, of research insights, and occupational opportunities which penetration into wartime government administration has yielded.

My own experience has been typical. I have occupied first a staff position in the Executive Offices, then direction of a war bureau. In both these positions I have been able to see in a small area only, but directly face to face and intensively, the operation of the Bureau of the Budget, the President's Office, the Civil Service Commission, the Congressional Appropriations Committees, a regulatory commission and the pressures surrounding it. I have experienced the added luxury of having my bureau investigated

by a select investigating committee of the House—the real down-to-earth kind with intimidation, blackmail, wholesale removal of carloads of records, star-chamber questioning of hosts of employees for fishing purposes, and, I think, wire-tapping. I had read and taught about all these processes of government. And the textbooks gave a pretty accurate picture on the whole. Still, I feel that in the first-hand experience such as most of us have had in Washington there are additional data, there is more complete access to sources, more comprehensive coverage—or let us say confidence that we have covered the sources of knowledge and realistic insight about the institutions with which we are vitally concerned as students.

The individual experiences, obviously, are of little value by themselves. We need to collect the enlarged data, to develop concrete methods for continued access to such direct operations, before the war experience can add significantly to our reliable knowledge.

What I am suggesting is that as associated groups, we take vigorous, positive steps to keep open the avenues of both temporary and permanent public administrative service so that it shall become an accepted part of the occupational domain of the social scientist. To tap the knowledge of the public administrator, and also of the staff member of great non-governmental associations; will enrich the social science knowledge we possess; it will broaden the area of occupational opportunity open to the social scientist; it will, I think, attract to the profession recruits of more positive caliber. If it is possible so to organize salaries, leaves, appointments, tenure, retirement, and classifications that the economist, political scientist, psychologist, and statistician can move regularly from one employment to the other, we shall ameliorate one of the genuine occupational difficulties of both academic life and the civil service, i.e., the evil of ruts worn by repeated routine, the traditionalism which destroys vitality.

The need for early, combined, positive action here is very real. I do not know how seriously we should take the attempts—as yet unsuccessful—by leading members of Congress to whittle away at the merit system. But if by chance the McKellar Bill should pass in some form, it would subject all administrative positions of a technically skilled type—practically all the positions for which social science training is required—to Senatorial approval, which, historically, means to party patronage. The large number of war veterans at the end of this war, also, may be given a position of preference—proper as reward, but destructive of professional standards—which would be harmful to social science for a generation or more. The problem is complex; it requires detailed examination. But the interest of the social science profession in including this occupational area seems very important. It might even extend to the further organization of graduate or post-Ph.D. training to include tours of duty in each of four great institutions such as government, labor, industry, and agriculture, in

addition to library research. With full use of vacations, this might extend Ph.D. training a year or more. The gain would be worth the cost.

To some, the proposal for a social science profession which will earn its proper place as a specialized group, to be accepted widely for the usefulness and reliability of its professional knowledge and insights, may seem grandiloquent, even impossible. But I would stress that I am also proposing strict limitations on the profession. I am suggesting that we refuse to be dazzled by any temporary experience in direct administration and determination of policy or with the direct wielding of power. I am not proposing that philosophers, or doctors of philosophy, be our governors. Although a professed economist, historian, or political scientist occasionally may be elected to Congress or added to the Cabinet, he is not performing there as a social scientist any more than is a physician or architect who may happen to be so chosen. We have a different rôle to play—less spectacular, more patient, more permanent.

There are few among us who do not at times tire of priest-like devotion to the pursuit of the truth unencumbered with affiliations that subtly temper the truth through prior loyalties. We long to give free rein to our combative, reforming tendencies and to join the parade for a good cause. But these desires seem to me to vitiate opportunity for that quiet but vital influence resulting from the earned reputation for independent objectivity and impartiality which is our special function in society. Others can reform and be politicians. But we can do something else, just as useful, which no one else can do.

There are many sincere people among us also who think that such professional abnegation is a timid retreat from reality. There is in their thinking, I believe, a little of the Marxian conception that all scholarship is consciously or unconsciously a servant of a set of dominant economic interests—that impartial social science is a bourgeois illusion. Many of these people have had experience in seeing how policy and viewpoint in strategic matters permeate a whole administrative machine. They laugh at the idea of the non-political administrator. I myself believe that our textbook picture of the penetration of policy into administrative detail has been over-simplified. It is a proper subject for important research.

But to go the whole way with the argument against impartiality is to become a *neo*-Jacksonian Democrat or an unconscious Fascist. It means that "our side" or "our enemies" must hold all the posts because every position is really partisan. It is completely contrary to the slow building of the very partially achieved edifice we know as social science. And social science as research, teaching, and staff advisory participation in our institutional life seems to me an essential ingredient of a successful democracy.

REPORT ON THE RESEARCH PANEL ON
COMPARATIVE GOVERNMENT

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I

The Committee on Research of the American Political Science Association was appointed by President William Anderson in 1942. A considerable number of sessions were held during 1942 and 1943 in Washington under the chairmanship of Ernest S. Griffith. Four different regions of research were assigned for more specific exploration through panels to four "conveners," namely, International Relations (Walter R. Sharp, later Phillips Bradley); Political Theory (Benjamin Lippincott, later Francis G. Wilson); Public Law (Carl B. Swisher); Comparative Government (Karl Loewenstein).

In developing the panel on comparative government, the convener sent various circular letters and detailed questionnaires to some twenty-five members of the profession who, by their past performance, were believed to entertain active interest in the subject-matter. The original plan of having the group function as a round-table at the annual meeting of the Association in 1942 became a casualty of the war. But the sponsors were not easily discouraged, even though war duties limited their own and the participants' efforts. After an epistolary exchange of opinion extending over almost a year, a panel meeting was held in Washington on April 17 and 18, 1943, attended by twelve members coming from outside and six resident in Washington. Hardened convention-goers among the participants confessed that the sessions demonstrated a freshness of approach and enthusiasm which have become rare in professional gatherings. The success of the panel proved again, if such proof were needed, that a discussion among genuinely interested and expert people can accomplish more than erudite addresses delivered to helpless audiences at mammoth conventions. The all-too-short panel meeting was followed by further correspondence for clarification of issues.

II

In the voluminous material accumulated by the correspondence and the panel discussion,¹ one fact stands out clearly, i.e., that the branch of political science commonly styled comparative government has emerged from a tedious and stagnating routine and, unless this reporter is badly mistaken, is about to undergo a rejuvenation not hoped for by its most ardent devotees—this much to the surprise of those who at first had re-

¹ Mimeographed copies of the minutes are available on request at the Social Science Research Council, Washington, D. C.

ferred to comparative government as a discipline in a status of suspended animation, hardly alive under the competitive pressure of the more glamorous "international relations." In this period of total war, which has added to belligerency of a military, economic, and diplomatic character political warfare as a way to victory, the knowledge of foreign political institutions and ideologies has become of paramount importance. Comparative government has been transformed from a Cinderella-like academic discipline into a political instrumentality of the most immediate potency. It is obvious that without intimate knowledge of their political institutions and attitudes we could not hope to understand what makes our enemies strong, or to pierce their psychological armor; nor would we be able to assist them after the war in reintegration into the world community, in case this should be our task. Supercilious aloofness from other peoples' political institutions—another facet of intellectual isolationism—has definitely come to an end. If democracy aspires to become universal—and no lasting peace is feasible unless some sort of political homogeneity is established among the nations—it is essential to be informed on the political habitat of other nations, our temporary allies no less than our temporary enemies. Comparative government has ceased to be merely *l'art pour l'art*. It is forced to reorient itself in line with the technological development which is about to weld the world together into a closer union of peoples, if not of states.

Consequently, the majority of the participants in the panel agreed on two basic points: First: comparative government in the narrow sense of descriptive analysis of foreign institutions is an anachronism. As is the case with political science at large, it has to widen its scope, to refine and redefine its methods. Second: there is no longer any single technique, neither the orthodox institutional approach nor the strict behaviorist method being sufficient *per se* to gain access to the true *Gestalt* of foreign political civilizations; methods and designs must be blended and kept in elastic touch and mutual penetration. Although some of the elder statesmen raised their warning voice that *qui trop embracé mal étreint*, that a too promiscuous or ambitious application of diversified methods would lead to dilettantism and confusion, the majority seemed agreed that the frontier posts of comparative government must be moved boldly into the precincts of neighboring and collateral disciplines—that, to use an illustration, criminal law is not under the exclusive jurisdiction of the lawyer if it helps to understand the social function of state and government. The prevailing impression among the participants was that comparative government has lost its traditional character of descriptive analysis and is about to assume the character of a "total" science if it is to serve as a conscious instrument of social engineering.

III

If an attempt be made to summarize—or rather to paraphrase—trends and contents of what may be spoken of as the findings of the group, it would reflect a tripartite division of the discussion into problems of methodology, of substance, and finally of organization.

Fortunately, little time was lost in terminological speculations. Although it was generally felt that the term “comparative government”—denoting, in the past, a sort of herbarium of cut and dried specimens of foreign institutions—is no longer adequate to circumscribe a branch of knowledge far beyond these limits, no effort was made to find a better word for it. But it was realized that, unless the customary juxtaposition of descriptive material, country by country, was replaced by an effective functional comparison, the actual achievement would belie the very name of the discipline. Only rarely is the attempt made really to compare political institutions and functions in the sense that a common denominator for diversified phenomena is found and deviations from the standard pattern are explained. It is not accidental that American political science has produced so few books or treatises on the state in general, while there is an abundance in Continental European literature, the reason being the lack of interest and, resultant therefrom, the insufficiency of the available factual material which would permit a fruitful comparison.

The methodological—or should one say the transcendental—interest of the group was focused on the position and function of comparative government in relation to the general culture-pattern of the state. From the stale routine of dissecting and describing foreign political institutions there emerged a blueprint of a branch of human knowledge which, “catholic” in the literal sense of the word, should become the coördinator and integrator of much that heretofore has been kept apart by narrow compartmentalization into isolated and unrelated disciplines. The *Lebensraum* of comparative government was drawn in bold and sweeping strokes, and by no stretch of the imagination could the program be called modest. It must bring into play economics and statistics, social psychology and political philosophy, cultural anthropology and intellectual history. The artificial wall separating comparative government from constitutional law proper in the limited sense of pragmatic positivism must no less be broken down than the brittle fence segregating international relations from the internal structure of government in the different countries. As an example may be noted the affinity between federalism as a problem of internal state organization and as a phenomenon of world organization. The limited institutional approach, typical of comparative government in the past, found no supporters. Research should be conducted in such a way as to make it a tool for the understanding of our political civilization as a whole

rather than as an accumulation of unrelated information on individual political systems. A genuinely comparative approach should operate freely along trans-national lines. Such problems as political power, leadership (in particular, executive leadership), federalism, civil liberties—whether they have a core of sacrosanctity or are subject to sublimation—are common to every state. Solutions arrived at in one national environment cannot fail to have a bearing on similar situations in one or several other states. The consciousness of a common destiny of the civilized world and its corollary, the abdication of intellectual isolationism, were perhaps the most surprising and gratifying aspects of the entire discussion. Understanding of our own political civilization is predicated on common experience, and, in our time, the exposition of our government cannot be properly conducted without continuous reference to the parallel situations in other countries as analyzed by comparative government.

From the methodological viewpoint, it is noteworthy that the problem of gaps played an important rôle in the discussions. Since comparative government stakes its claims wider than heretofore, we can no longer permit the existence of white spots on our map of the world, of areas of knowledge unexplored or neglected either in terms of political geography or out of self-restraint because certain problems are under the jurisdiction of neighboring disciplines of political science. Comparative government, conceived as a total science, must see to it that such tangible gaps are filled at the earliest opportunity, and one of the functions of the group should be that of calling attention to the existence of such gaps. It was pointed out that we have little reliable information on such major areas as government and politics of the British Dominions, on Latin America (which calls for analytical monographs), on the Scandinavian countries and the Iberian peninsula—there is not a single worth-while book on the government of Franco-Spain, and even on Belgium and Holland; and how deplorably limited is our knowledge of China and Russia!

Moreover, the group realized that the *rationale* of research in this period of revolutionary revaluation of values is changing. Research which satisfies only the intellectual curiosity of the person engaged in it becomes rather pointless unless it can be utilized for the pragmatic tasks of the time and place when and where it is undertaken. Granted that the researcher, following his creative urge, is and remains the individualist *par excellence*. But his work is conditioned by the political environment and climate. If one may draw conclusions from the cross-section of the profession represented in the group, American political science has become conscious of its responsibility toward other nations, which imposes upon us the obligation to make the experience of our advanced democratic civilization accessible to others as much as we may profit by theirs. Research at this juncture must free itself from national prepossessions and

fit itself into a higher "strategy of research" whose general trend is not determined by the individual alone. While the group as a whole was perhaps less articulate on this point than some members may have desired, the net result was the awareness that comparative government has a definite mission to fulfill at this time and in the post-war period.

It should not be concluded from the foregoing observations that the tone and spirit of the discussion were unduly esoteric or illusionist; nor were there many exhibitions of the well-known equestrian art of riding erudite hobbies. The realistic objectives of the research effort were not lost to view. Consequently, suggestions for research were geared mainly to the requirements of post-war reconstruction. Whatever "areas" or special "topics"—the distinction being of methodological relevance—were approached, it was their bearing on the future, their potential contribution to the building of a better and saner world, which made them attractive. This projection into the future was influenced to some extent by the realization that research into current problems at this moment is badly handicapped by war difficulties in obtaining material and by the fact that a vast amount of up-to-date information is confined to the strictly confidential use of the war agencies.

IV

From the discussion emerged what seems the fertile distinction between general "areas" of research, or trends in research, on the one hand, and individual "topics" of research on the other. Areas or trends may be roughly defined as wider configurations or entities of problems not confined to particularized institutions or attitudes. The approach to areas of research should no longer be sought by descriptive analysis alone, although its preparatory value is implied, but should utilize the findings and techniques of neighboring and collateral disciplines. As an exemplification of this basic dichotomy, one should refer to such wider problems as public opinion and propaganda, within which radio, pressure groups, and censorship are contained as more specialized topics. Other illustrations for an area are: political power and leadership; civil liberties and their function within the framework of a free society; federalism in its internal and international applications; the "will of the people" (symbolic or real) as the basis of political civilization, envisaged under the alternative of conformance and consent, with its ramifications into institutions such as majority rule, suffrage, proportional representation, plebiscites; the competition between the operational controls of the state and the private lawmaking bodies. Much attention was paid to the problems of transitional government, from semi-democracy to dictatorship; from dictatorship to normalcy (what kind of normalcy?); the citizen and his state (education, civism, the rôle of the smallest local unit), minority protection

and its institutional realization; a study of colonial administration, including German and Italian experience.

As "topics," in contrast with areas or trends, were considered problems of specialized research interest which would serve for the illustration of major trends. The mass of such suggestions was equally impressive. Those who will scan the minutes of the panel will find a rich crop for promising doctoral dissertations and hints for their own work. Many of these suggestions were brought up independently by several participants—an indication of how much they are "in the air." Only a few can be mentioned here by way of illustration: the experience with the corporative state and what should be salvaged from it; proportional representation and plebiscites (two most controversial subjects); the political implications of Catholicism and the church; how to draft a constitution; executive law-making, a subject particularly fitted for the comparative approach. All of these topics are to serve for the development of major trends or areas.

V

Dazzled by the variety and magnitude of such research projects, the reader may well ask: How can it be possible for the specialists in comparative government, who constitute only a small minority of political scientists, to cope with a task of such dimensions? The question was constantly in our minds, and it weighed all the more heavily since for so many of the profession research is stymied by war work or restricted by teaching loads. Although it was natural for the panel to become interested in the organizational aspects of comparative government, it has frankly to be admitted that little comfort and few constructive suggestions could be offered. It was realized, implicitly and explicitly, that, at the present moment, even the most enthusiastic group of individual researchers has to bow to the exigencies of the war. A heavy competition has arisen in the work done in the field by various government agencies, especially the Department of State, the Office of Strategic Services, the Office of War Information, and the Federal Communications Commission, which, in charge of political warfare, could not fail to poach on our domain. These agencies and others have enlisted the best men of the profession. Studies are undertaken frequently by specialists with unparalleled facilities of research. Practically the entire realm of comparative government is now official business of the government. Once the material thus accumulated by the government agencies has lost its confidential character, it should be made accessible for research in political science. Here is a follow-up issue which deserves the attention of the Association and its officers.

In addition, precisely at the moment when the panel was held, the Provost Marshal's Office and the Division of Military Government began to organize, on a scale unprecedented in this country, and in any country

for that matter, instruction for officers, on the Charlottesville model, in foreign political institutions. Simultaneously, an even wider program of imparting knowledge to the enlisted men of the Army Specialized Training group got under way, with comparative government a part of the curriculum. When this report reaches our readers, probably most of the teachers of comparative government in the universities and colleges will have been occupied with the subject in a grand style. Our discipline has gone to war. It is true that this instruction, by virtue of its wholly pragmatic character, has little to do with research. But it invites the comparative approach; for pedagogical reasons, instruction on foreign political institutions cannot be conducted without constant reference to our own political experience.

This vast teaching program is based partly on the available printed material, partly on special summaries and guides elaborated for this specific purpose by the military authorities. It would be improper at this time to comment on the quality or usefulness of the material. It can safely be expected that it will be subjected to a critical review at a later time, and one need not be a prophet to forecast that evaluations will differ greatly. It is not unlikely that we will ask whether or not comparative government was prepared for the emergency. This much can be said, that if we had had at our disposal translations or condensations of the works of foreign authors on their own countries, we should not have been compelled to use material whose main attraction was that it was written in English. The suggestion that the group should prepare a comparative study of the experience with military occupation, not only of this country but of the other states, came too late. This task has been taken out of our hands.

For purposes of this report, it may suffice to say that the group as such was unable to make constructive suggestions as to how to utilize collectively for government purposes the talent in the ranks of the profession. It seemed doubtful wisdom to contribute to the depletion of our profession by adding to the centripetal effect of Washington.

But the present emergency situation carries with it a number of *desiderata* for the future. The resurrected interest in comparative government coincides with the return to the campus of many students who, in an empirical way, have themselves become observers and witnesses of foreign political institutions and attitudes. The impact of this field investigation *en masse* on teaching and research after the war cannot be foreseen. It may well be that our soldiers, having been rather peculiar tourists in foreign lands, will be more inclined towards intellectual isolationism than we are willing to believe now. Or, contrariwise, they may have become so imbued with the desire to know more about foreign nations which they have helped to liberate or to defeat that they will demand a synthesis of what they have observed for themselves only in scattered fragments. This

would contribute further to intensification of the study of and research in comparative government.

VI

The most important task, however, for comparative government will obviously come in the period of transition from the emergency to what is hoped will be a normal situation in international relations. Once the liberated states turn to equipping themselves with new constitutional instruments, the discipline has a mission to fulfil in imparting our experience to other nations and to integrating scientifically their institutions into a universal pattern of civilized government. This task, visible at present only in the dimmest outlines, will call for concerted action on the part of the profession, in teamwork and planning, with individual effort subordinated to collective requirements. An organizational mechanism prepared in time and going into action when needed would be of extreme usefulness. It is perhaps not too sanguine to say that the optimism demonstrated by the panel meeting inspires hope that, after the war, scholarship, and political science most of all, may serve as a vehicle to draw the nations closer together.

While the panel meeting did not make any definite suggestions in this direction, it is proposed that within the wider framework of the Political Science Association a special subdivision or group be formed, composed of men interested in, and qualified for, comparative government. Such a group not only might place its services at the disposal of the government, which after the war will need experts, but it could at the same time be mobilized for special projects which surpass the resources and capacities of individual researchers. The need for such an organization after the war is all the more obvious since, as can safely be expected, many of the men who during the war proudly served in the government agencies, will have returned to their classrooms and studies. It may shock the inveterate individualists of the profession to realize that here as elsewhere collective effort and coördinated planning will be superior to individual enterprise and private initiative. By no means does this imply the end of individual research. The scholar driven by his private intellectual curiosity is impervious to regimentation. Research never can function properly in a strait-jacket. But what the future may bring is such a common strategy of research as will enable the individual to fit his interests into the general plan. A "pooling of subjectivities"—to borrow a felicitous expression from the panel—could result in an organization of the profession preferable to the "rugged individualism" now existing.

In order to translate the spade-work done by the panel meeting into a tangible, organizational result, it is suggested that the panel be continued as an institution, and that those members of the Association interested in

a closer union among the specialists in comparative government communicate with the president of the Association, or the present writer, in order to create a nuclear frame which would serve for the pursuit of the manifold tasks connected with comparative government in the immediate future. It is most desirable that the existing panel group, whose selection was beset with various difficulties and necessarily haphazard, be effectively enlarged and permanently maintained. It is dependent on the widest possible support of the profession. Though a novelty within the dynamics of the Association, this project should not encounter insurmountable difficulties. It should be remembered that the American Bar Association has its subdivisions according to specialized interests of its members without detracting from the general professional purposes of the organization at large. Encouraged by happy experience with the tentative panel meeting, the reporter ventures to suggest that a Committee on Comparative Government be established by the American Political Science Association, and that this report be considered as an urgent and cordial invitation to all genuinely interested in the field to enroll as members of the new group.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Committees of the American Political Science Association for the year 1944. A complete list of members of the various committees of the Association was published in the February, 1943, issue of the REVIEW. Most of these committees are still in existence, and the membership has not been greatly changed. The membership of the Association's committees for the year 1944 is as follows:

Committee on American Legislatures: George B. Galloway (Washington, D. C.), *chairman*; Joseph P. Chamberlain (Columbia University); Marshall E. Dimock (War Shipping Administration); Meyer Jacobstein (Brookings Institution); E. Pendleton Herring (Harvard University); Arthur N. Holcombe (Harvard University); Robert D. Leigh (Federal Communications Commission); Benjamin B. Wallace (United States Tariff Commission); Schuyler C. Wallace (Columbia University); Roland Young (Washington, D. C.).

Committee on Endowment: William Anderson (University of Minnesota), *chairman*; Charles A. Beard (New Milford, Connecticut); Joseph P. Chamberlain (Columbia University); Kenneth Colegrove (Northwestern University); Frederick M. Davenport (National Institute of Public Affairs); Walter F. Dodd (Chicago); John A. Fairlie (University of Illinois); Charles G. Haines (University of California at Los Angeles); Arthur N. Holcombe (Harvard University); Isidor Lceb (Washington University); Charles E. Merriam (University of Chicago); William B. Munro (California Institute of Technology); Frederic A. Ogg (University of Wisconsin); Lindsay Rogers (Columbia University).

Committee on a Library of Political Thought: Francis W. Coker (Yale University), *chairman*; John D. Lewis (Oberlin College); Peter H. Odegard (Amherst College); René D. Williamson (Davidson College); C. B. Robson (University of North Carolina).

Committee on National Citizenship Education: Marshall E. Dimock (War Shipping Administration), *chairman*; Franklin L. Burdette (Butler University); Joseph P. Chamberlain (Columbia University); Kenneth Colegrove (Northwestern University); John M. Gaus (University of Wisconsin); E. Pendleton Herring (Harvard University); Roscoe G. Martin (University of Alabama); John B. Mason (Fresno State College); Peter H. Odegard (Amherst College); Catheryn Seckler-Hudson (American University); Elbert D. Thomas (U. S. Senator from Utah).

Committee on Nomination of Officers for 1945: Lloyd M. Short (University of Minnesota), *chairman*; James Hart (University of Virginia); Francis W. Coker (Yale University); Denna F. Fleming (Vanderbilt University); Charles McKinley (Reed College).

Committee on Professional Opportunities of Political Scientists: Franklin L. Burdette (Butler University), *chairman*.

Program Committee: James W. Fesler (War Production Board), *chairman*.

Committee on Publication of Election Statistics: W. Reed West (George Washington University), *chairman*; Thomas S. Barclay (Stanford University); Harold F. Gosnell (Bureau of the Budget); E. E. Schattschneider (Wesleyan University); Catheryn Seckler-Hudson (American University).

Committee on Regional and Functional Societies: John E. Briggs (State University of Iowa), *chairman*; H. C. Nixon (Vanderbilt University); Howard White (Miami University); Elmer D. Graper (University of Pittsburgh); Matthew C. Mitchell (Brown University); Thomas I. Cook (University of Washington); Phillips Bradley (Queens College); Thorsten V. Kalijarvi (University of New Hampshire); Roscoe C. Martin (University of Alabama); Charles C. Rohlfing (University of Pennsylvania); Charles H. Rohr (Trinity College); Lt. Col. Harvey Walker (Ohio State University); Cyril B. Upham (Deputy Comptroller of the Currency); Herbert Wright (Catholic University of America).

Committee on Research: Ernest S. Griffith (Library of Congress), *chairman*; William Anderson (University of Minnesota); Harwood Childs (Princeton University); Karl Loewenstein (Amherst College); Joseph E. McLean (Social Science Research Council); John Sly (Princeton University); Carl B. Swisher (Johns Hopkins University); Francis G. Wilson (University of Illinois); Roland Young (Washington, D. C.).

Committee on Social Studies: Howard White (Miami University), *chairman*; Richard G. Browne (State Normal University, Normal, Ill.); Russell M. Cooper (Cornell College); Samuel R. Harrell (National Foundation for Education); Robert E. Keohane (University of Chicago); David W. Knepper (State College for Women, Columbus, Miss.); Wilbur F. Murra (Civic Education Service); Hilda M. Watters (Western State Teachers College, Macomb, Ill.).

Washington Committee: James W. Fesler (War Production Board), *chairman*; Clyde Eagleton (New York University); Harold F. Gosnell (Bureau of the Budget); Ernest S. Griffith (Library of Congress); Pendleton Herring (Harvard University); Charles S. Hyneman (Louisiana State

University); V. O. Key (Johns Hopkins University); Amry Vandenbosch (University of Kentucky); Lt. Col. Harvey Walker (Ohio State University); Herbert Wright (Catholic University of America).

Committee on Undergraduate Instruction: Benjamin F. Wright (Harvard University), *chairman*; Charles Aiken (University of California); John M. Gaus (University of Wisconsin); David W. Knepper (State College for Women, Columbus, Miss.); Robert D. Leigh (Federal Communications Commission); Roland Pennock (Swarthmore College); John Vieg (formerly of Iowa State Agricultural College).

Professor Herman Finer, lately with the International Labor Office in Montreal, will serve as visiting lecturer at Harvard University after July and will offer courses on British government, comparative government, and international organization.

Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research throughout the twenty-eight years since its establishment, has retired to devote his entire time to the program in graduate training in public administration carried on by Wayne University. His successor is Loren B. Miller, formerly on the staff of the Bureau, and more recently director of the Civic Institute of Kansas City, Mo.

Governor Edge of New Jersey has appointed Professor William S. Carpenter, of Princeton University, president of the New Jersey State Civil Service Commission, and the legislature has passed an act confiding the direction of the entire civil service of the state to the president. A new classification of state employees made by a staff under Professor Carpenter's direction will be installed at once. Professor Carpenter will continue his duties as chairman of the department of politics at Princeton.

Professor Clarence A. Berdahl, of the University of Illinois, has joined the staff of the Office of Strategic Services and has been assigned to duty in London. At Illinois, Professor Francis G. Wilson has been made acting chairman of the department of political science.

Professor Charles M. Kneier, in charge of the work in public administration in the School of Military Government at Charlottesville, Va., has been promoted to the rank of Lieutenant-Colonel.

Dr. James C. Charlesworth, of the University of Pennsylvania, has been made a Lieutenant-Colonel, and Dr. Bennett M. Rich has been promoted to the rank of Major. Both men are stationed in Washington.

Professor Heinz Guradze is on leave from Park College and is at present with the Federal Communications Commission, Foreign Broadcast Intelligence Service, as an analyst in the Central European Section.

Professor Edward Mead Earle, of the Institute for Advanced Study, has arrived in the European theater of operations, where he will serve as a special consultant to the Army Air Forces under Lieutenant-General Carl Spaatz.

Dr. William S. Stokes, formerly of U. C. L. A., has been appointed instructor at Northwestern University and will give courses in Latin-American government and politics.

Dr. Robert M. W. Kempner, of Lansdowne, Pa., has served as an expert on German police and government-controlled secret organizations in various foreign agent and espionage trials.

In March, Dr. Gerhard Krebs resigned his assistant professorship at Western Reserve University to accept a position with the Regional War Labor Board in Cleveland.

Dr. Howard M. Kline, formerly of the University of Maryland and more recently with the Division of Vital Statistics of the Bureau of the Census, was appointed in January an officer of the U. S. Public Health Service.

Professor Dell G. Hitchner has obtained leave of absence from Coe College and on April 27 was inducted into the Army as a private.

Professor Conley H. Dillon has been on leave from Marshall College for two years and is at present state price executive for the OPA in West Virginia.

Professor Smith Simpson, on leave from the University of Pennsylvania, has been appointed chief of the International Labor Organization's branch of the newly created Division of Labor Relations in the Department of State.

Lieutenant Hilton P. Goss, on leave from the State College of Washington, after a period as Base Historian at the Fort Sumner, New Mexico, Army Air Field, has been assigned as Wing Historical Officer with the Air Transport Command. He is now overseas in that capacity.

Mr. Henry C. Brownell, on leave from Lingnan University, Canton, China, has been appointed a visiting lecturer at Brothers College, Drew University, Madison, New Jersey.

Lieutenant-Colonel Harvey Walker, on leave from Ohio State University, has been appointed chief of the Employee Relations Section, Civilian Personnel Branch, Industrial Personnel Division, Headquarters, Army Service Forces, Washington, D. C.

Professor Benjamin E. Lippincott, of the University of Minnesota, is serving with the 13th AAF in the South Pacific as the Air Force Historian.

Professor Jasper B. Shannon, of the University of Kentucky, has been appointed assistant director of the Graduate School of the U. S. Department of Agriculture, but expects to return to Kentucky after the war.

At a meeting of the Ohio College Association's Social Science Section held at Columbus on April 1, Professor Burton L. French, of Miami University, was elected president of the Section and Miss Mona Fletcher, of Kent State University, was reelected secretary-treasurer.

Professor John Day Larkin, chairman of the department of social studies in the Illinois Institute of Technology, has been appointed vice-chairman of the Sixth Regional Board of the War Labor Board, with headquarters in Chicago.

Mr. Melville E. Osborne, formerly an instructor in political science at Syracuse University, has accepted a similar position at the University of Rochester.

Former students of Russell M. Story, Edward M. Sait, and George S. Burgess at Pomona College are raising a fund with which to establish a political science seminar library at the College as a memorial to the three distinguished teachers.

Dr. William C. Jones, head of the department of political science at the University of Oregon, has resigned to assume the presidency of Whittier College.

Dr. Frank Munk, author of *The Legacy of Nazism*, has been appointed head of the United Nations Relief and Rehabilitation Administration's training center at the University of Maryland. A native of Czechoslovakia, Dr. Munk escaped from Prague in 1939. He has previously lived in the United States as a fellow of the Rockefeller Foundation, and has taught at Reed College and Mills College. Since 1941, he has been lecturer in economics at the University of California at Berkeley.

For many months, Dr. Henry B. Hazard, director of research and educational services of the U. S. Immigration and Naturalization Service, has been engaged in the unusual task of visiting contingents of U. S. armed forces in foreign parts and inducting into American citizenship literally thousands of eligible non-citizens now outside the reach of the courts. From Europe and North Africa, he has lately extended his activity to the Pacific theater.

The ninth annual Edmund J. James Lecture on Government at the University of Illinois was given this year on April 12 by Allan Nevins, professor of history at Columbia University, and recently returned from a government mission to England, Australia, and New Zealand. He spoke

on "Democratic Ideals: Washington, London, Canberra." Last year's lecture in this series was given by President Clarence A. Dykstra, of the University of Wisconsin.

A symposium organized and edited by Mr. H. Duncan Hall was published by the Carnegie Endowment for International Peace in the March issue of *International Conciliation* and contained an article by him on "The British Commonwealth of Nations and the Future World Order." The subject of the symposium was "The British Commonwealth and the United Nations," and articles were contributed by several British cabinet ministers and diplomatic representatives in Washington of British Commonwealth countries.

A meeting of the executive committee of the Pennsylvania Political Science and Public Administration Association was held in Philadelphia on April 14.

The Royal Institute of International Affairs, Chatham House, London, announces that publication of its quarterly journal *International Affairs* has been resumed as from January, 1944. The journal is being printed in Canada by the University of Toronto Press. During the temporary suspension of the journal from 1939 to January, 1944, the book review section of *International Affairs* was published separately. This section has now been re-incorporated into the journal. *International Affairs* is the only periodical in Great Britain devoted exclusively to international questions and problems of world reconstruction.

Professor Robert Mosse, formerly professor of law at the University of Grenoble, a Captain in the French Army until the Armistice, and more recently research professor of economics at the University of Washington, served during the winter quarter as visiting professor of political science at the University of Illinois, having charge of the French Area sections in the Foreign Area and Language Study curriculum of the Army Training Program.

The Universities of Alabama, Georgia, and Tennessee have jointly announced ten Southern regional fellowships in public administration for the purpose of encouraging training for the public service at the level of the first year of graduate study. Each fellowship carries a grant of \$750 and fees. The fellows will spend three months, beginning in June, 1944, as internes in governmental offices in Alabama, Georgia, and Tennessee; and the Tennessee Valley Authority, as well as various state and local agencies, will participate in this phase of the program. The undertaking is under the joint direction of Professors Roscoe C. Martin, L. Vaughan Howard, and Lee S. Greene.

A National Training School for Public Service, with headquarters in Detroit, has recently been organized and financed for a three-year experimental period under the direction of Dr. Lent D. Upson. The purpose of the School is to facilitate graduate training for citizen leadership and administrative positions. Academic instruction will be furnished by the School of Public Affairs and Social Work of Wayne University. Field training will be under the direction of the Training School and will be by arrangement with the Detroit Bureau of Governmental Research, other citizen agencies, and selected governmental departments. Ten or more fellowships of \$1,200 a year, plus tuition and fees, are offered to suitable men and women. Applications will be received by the School at 5135 Cass Avenue, Detroit, until August 1.

The officers of the American Council of Learned Societies (with which the American Political Science Association is affiliated) for 1944 are: chairman, Fred N. Robinson (Harvard University); vice-chairman, Wallace Notestein (Yale University); secretary-treasurer, S. Whittemore Boggs (U. S. Department of State); additional members of the Executive Committee, Richard H. Shryock (University of Pennsylvania), William B. Dinsmoor (Columbia University), Sturgis E. Leavitt (University of North Carolina), and Frederic A. Ogg (University of Wisconsin).

From England comes an inspiring message from Professor Arthur W. Bromage, of the University of Michigan, as follows: "I do want to say that my association with the members of our APSA has always been a warm and bright spot in my life. Our Association has always been marked by the belief of the members in democracy and the capacity of democracy to improve the lot of the common man. This is a very great thing, for there are many fixed and immutable principles which flow from this belief; individuality, freedom to differ, opportunity to develop the mind, the concept of the state as an instrumentality to serve the humblest citizen. To those who now uphold the standards of the Association in the universities and in many other walks of life, we say: Stand up for the things you believe in as free men and God speed the day when we can join you again in your important task of passing on the concepts of democracy to the next generation."

BOOK REVIEWS AND NOTICES

How New Will the Better World Be? BY CARL L. BECKER. (New York: Alfred A. Knopf, Inc. 1944. Pp. 246. \$2.50.)

This volume is a stimulating essay on the subject of post-war reconstruction. The author diagnoses the present state of the world, with special attention to nationalism, sovereignty, power politics, and imperialism. He discusses "What we are fighting for." On the constructive side, the writer considers "What kind of collectivism do we want?," forecasting post-war international order, both political and economic, with special emphasis upon the latter.

My personal appreciation of the work of Dr. Becker has been expressed on many occasions and in many places, including the jacket of this very book. For purposes of greater certainty, I hereby reiterate my admiration for the labors of this talented and challenging historian. I may be pardoned for some reservations on this particular volume, however, for now the author takes on the rôle of the gloomy Dean after a fashion.

For example, we are fighting, he says (p. 128), to "preserve the status quo in its fundamentals." But it seems later (p. 130) that "there is no status quo," since institutions, laws, and customs are always changing. But again his Conclusion points backward, in disparagement of too much optimism.

The author despairs of "power," following the lead of Lord Acton. "Where political power is, there danger lurks," says Dr. Becker (p. 71). But by the same logic, where social power is found, there danger lurks, whether political, economic, or otherwise. We might with equal reason say that where anarchy—lack of power—is found, there danger lurks. Or indeed where life is found. It is not the power *per se* that makes the difficulty and the danger, whether the holder of power is a petty despot or a larger-sized one or a benevolent public servant.

In the discussion of "How much collectivism do we want?," the thesis is presented that the future depends upon reconciliation of the profit motive with the general welfare. To meet this situation, there must be developed a "comprehensive program," of a type so far overlooked apparently. Modesty prevents me from saying that, historically speaking, Dr. Becker's program outlined on page 169 is almost a reproduction of the program of the National Resources Planning Board (of which the reviewer was a member). But yet he finds that the New Deal could not produce such a formula (p. 171).

After this war is settled, he contends, the political arrangements of the world will be much as they are now, except for the status of Germany and Japan, or at any rate no better, or different proposals will be found than at the end of the last war. The chief causes of the present difficulty are

"economic confusion and conflict." This places a very heavy burden on the "economic," but probably the author would concede the significance of the technological, the psychological, the cultural, the problems of population and civilization, none of which is readily classified under the economic, or the political either.

We must consider carefully the problems of international trade, currency, investments, cartels, raw materials—a proposition from which few would dissent. Furthermore, *ad hoc* commissions of the League of Nations type might well be appointed to deal with these special problems, under the general leadership and direction of the larger Powers, somewhat after plans currently discussed.

In the end, the writer finds solace in Edmund Burke and the Reflections long ago used to battle the French revolutionary tendencies of his time. Yet, curiously enough, Dr. Becker adopts almost word for word the formula of the National Resources Planning Board (p. 243). This I cannot well repudiate, but why the brilliant scholar wraps the mantle of pessimism around him remains unclear.

Organic growth, slow development, maturation, patience, regard for historical values—these are all of vital importance. But in the better world may we not take counsel also of idealism, of social vision, of our hopes as well as our fears, of Revelation as well as of Lamentations?

CHARLES E. MERRIAM.

University of Chicago.

International Bearings of American Policy. BY ALBERT SHAW. (Baltimore: The Johns Hopkins Press. 1943. Pp. x, 492. \$3.50.)

Dr. Shaw is one of the most distinguished surviving members of that body of students who some fifty years ago were schooled by the late Herbert Baxter Adams in the Johns Hopkins University belief in the essential unity of the fields of history, politics, and economics; also that the study of past and present events must be made under the influence of these allied means of understanding. He was closely associated with Woodrow Wilson, and hence his present writing shows insight into the views and policies of the later President. Furthermore, all these things, with the years since Dr. Shaw's student days filled with his wide activities of a brilliant literary and journalistic nature, have made his mature views of unusual value in the light of present-day events.

This book is a narrative, in bold outline, of the course of events, both in the United States and abroad, from the last decades of the nineteenth century, with the developments due to the First World War and the twenty years since which led up to a logical and inevitable sequel in the present conflict. Dr. Shaw broadens his historical view to include, as indi-

cated above, the political and economic aspects of these events, especially stressing the importance of those of an economic character. He states in his opening paragraph that the "book has no controversial purpose and is not meant to challenge well-informed opinion in any direction. Its appeal is to the logic of historical facts rather than to syllogisms or formulations; and its review of American experiences may, I hope, assist some readers to clarify their mental attitudes" (p. 1).

The late Professor Palmer of Harvard is said to have remarked, on one occasion, that "it took him so much time to prepare what he was *not* going to say to his students," in other words, to form background. In like spirit, Dr. Shaw has written an exceedingly valuable and, to an unusual extent, constructively interpretative book. He has preserved a fine spirit of detached opinion, and is eminently fair in his judgments. No better illustration of this spirit could be given than the following statement with regard to the domestic controversy over the League of Nations: "Those who have learned to think of it as a matter of controversy between our two political parties, or to narrow it still further by turning it upon Senator Lodge's antipathy to President Wilson or *vice versa*, have not only a scanty acquaintance with the facts but also a perverted and mischievous view of them. If there was any dereliction that impartial historians at some future time may uncover, it was not attributable to President Wilson or any other American. It was the European exigencies, with which Mr. Wilson and his delegates were unable to contend, that befogged the issue" (p. 364).

Dr. Shaw is a firm believer in the rehabilitation of the League of Nations after this war, due to the fact that the League has "a suitable habitat, unimpaired material facilities, and availability for a wide range of functions concerning which no one will question its capacity for usefulness," and, in the second place, "that its defects of structure have been so fully exposed and demonstrated that they can be remedied" (p. 464). Furthermore, he is rather optimistic with regard to the future. He writes: "History must and will have its own tempo. Mankind has to learn things the hard way. The Conference of 1933 [London Conference] demonstrated the fact that the nations could come together in a spirit of good-will to consider the welfare of a thousand million people and many more. Coöperation will come, regardless of the exact framework of world organization" (p. 461). "Union lies in the conceptions and purposes of well-disposed men; and this union of minds will create its own institutions" (p. 468). With these latter words, Dr. Shaw ends his writing of a book that is unusually helpful and stimulating.

WILLIAM STARR MYERS.

Princeton University.

The American Senate and World Peace. BY KENNETH COLEGROVE. (New York: The Vanguard Press. 1944. Pp. 209. \$2.00.)

The publishers liked the famous quotation from John Hay, with which this book begins, so well that they quoted it three times on the jacket. Professor Colegrove has done something like that in the book itself. He drives home his point over and over again, from every angle, against the Senate, which is the bull in his arena. Some of his strokes are deft, some are powerful, some are just wild swings made in the excitement of the game.

The book is not written for the instruction of political scientists (who may nevertheless learn something from it), but to appeal to voters. The author's purpose is to stir up the voters to action before another crisis appears. The action for which he hopes is (p. 142) "a constitutional amendment to abolish the two-thirds rule and the monopoly of the Senate over the approval of treaties"; and he includes the draft of an amendment which would permit approval of a treaty by a majority of the Senators and Representatives present.

Chapter I, "Treaty-Wrecking Habits of the Senate," gives illustrations of treaties killed or maimed by the Senate. In Chapter II, "The American People's Peace," he shows the importance of this problem to the American people in the coming settlement. Chapter III is entitled "Every Senator Wants to Be President," although only a paragraph or so is devoted to this doubtful thesis, and most of the chapter consists of statistics and arguments to show that the treaty-making process is undemocratic. Chapter IV, "The League of Nations Fiasco," is summed up in a sentence which deserves to be quoted and remembered at election time: "It is one of the regrettable aspects of American politics that the leaders of a political party will seek to destroy a President's foreign policy and jeopardize the peace of the world, not because the policy is in itself bad, but rather because these leaders are determined to discredit the President and destroy his political influence" (p. 83). In Chapter V, the author decides, and correctly from the viewpoint of this reviewer, that the Senate should not be by-passed through executive agreements, and that both Congress and Executive should agree upon important matters such as the peace settlement. Chapter VI, "We Are in the United Nations Now," discusses the changed attitude of the American people toward foreign policy; Chapter VII asks whether the "vicious circle of distrust, secrecy, suspicion, and opposition between the Executive and the Congress" can be broken, and whether the two can be partners; and Chapter VIII is explained by its title, "We Can and Must Amend the Constitution."

It is a good idea to call the attention of voters to this important problem, and the method which Professor Colegrove has chosen will probably

have some effect toward this end. The solution which he has chosen, i.e., constitutional amendment, is perhaps a solution, but not one which can be achieved in time to care for the important problems which we must soon be prepared to handle—though against this statement of the reviewer must be set the recent *Fortune* poll. It is not the constitutional provision which is at fault so much as the abuse of that power by Senators whom the people permit, and even encourage, to abuse it. Responsibility for the Senate rests with the people, and Professor Colegrove does well to address himself to them.

CLYDE EAGLETON.

New York University.

Gauging Public Opinion. BY HADLEY CANTRIL AND RESEARCH ASSOCIATES. (Princeton: Princeton University Press. 1944. Pp. vii, 318. \$3.75.)

Implicitly rejecting Hegel's maxim that independence from public opinion "is the first formal condition of anything great and reasonable," the authors essay the first systematic survey of the methodology of public opinion research. While the book is unevenly written and, at times, too heavily technical for the non-specialist, it is, on the whole, amply rewarding.

It is a sign of vigor and a developing scientific attitude that nearly every criticism hitherto levelled against the inadequacy of public opinion polls to measure what they seek to measure is fairly dealt with, and in a spirit not wholly free from self-criticism and a recognition of limitations. The authors concede, for example, that many of the questions used by polling agencies, including some of their own, have been obscure in meaning or elicited only surface rationalizations or stereotyped answers.

Among the more difficult problems of polling agencies is the suitable framing of questions. The conclusions which emerge from careful investigation are that the multiple-choice type is often superior to the dichotomous type, which may misrepresent opinion by forcing adherence to sharp alternatives; the order in which alternatives are presented may be important when the issue is complicated, since there is a natural tendency to select the last, most easily remembered, alternative; questions inviting free answers, while difficult to score, may be increasingly useful; symbols of prestige in questions may affect the result; the suggestion that a law must be changed to lead to a desired result creates a certain amount of opposition on the part of people who would otherwise favor the result; and some people are less resistant to a policy if the question is worded to suggest that they will have a direct part in determining the policy.

A series of experiments and acute analyses have established, too, that intensity of reaction can now generally be measured with satisfactory results; that the secret ballot is to be preferred when testing opinion which may be socially disapproved; that when deep emotional loyalties are

involved, the bias of the interviewer may distort the result and, similarly, that distortion may come from a lack of *rapprochement* between the interviewer and the respondent; that refusals to answer questions are most frequent among the poor, women, and inhabitants of large cities, but, by and large, do not affect the extent to which the sample is representative; that the most practical method of sample selection is of the stratified random kind based on geographical and rural-urban distribution, color, economic status, age, and sex; that small, well-chosen samples are surprisingly reliable, yet must be used with caution; that some insight into causation can be obtained by skillful breakdown of results; that economic status determines opinion more than education where financial benefits, direct or indirect, may be involved, but that education is more important when allegiance to certain general social stereotypes is involved; that the tendency to pick scapegoats is especially characteristic of well-educated, upper-income groups; and that opinion is highly sensitive to important events, but does not, by and large, anticipate emergencies but only reacts to them.

The authors demonstrate how interviewer bias and other distortions may largely be eliminated or neutralized. They do not, of course, indicate how the bias of subscribers in using the material can be similarly eliminated or neutralized.

In a sop to Demos, the authors conclude that "by and large, if people in a democracy are provided educational opportunities and ready access to information, public opinion reveals a hard-headed common sense." This a priori and unproved assertion leaves unresolved the fundamental conflict over the value of the public opinion poll, i.e., will it improve our democracy or will a "parliamentary Aphrodite" rise "out of its foam"?

SAMUEL HENDEL.

College of the City of New York.

TVA—Democracy on the March. BY DAVID E. LILIENTHAL. (New York: Harper and Brothers. 1944. Pp. xiv, 248. \$2.50.)

This is a tract for the times, a ringing declaration of faith, a proclamation of high moral purpose. It is the answer to pessimistic prophecies of the managerial revolution or the wave of the future, theses with fascination for "the vain, the naïve, and the impatient." "*We have a choice,*" says the chairman of the TVA; and this hard-hitting, stirring book is the account of ten years in the lives of four and a half million people during which that choice has been exercised "not only *for* the people, but *by* the people." "Engineers can build us great dams, but only great people make a valley great. There is no technology of goodness. Men must make themselves spiritually free." This is the testament of a statesman of democracy; indeed, not the least of its interest is its aspect of an "Education of D. E. Lilienthal," from a brainy lawyer preoccupied with the power issue to a leader of the breadth of vision and historic time-sense here revealed.

Despite his avowal that he is "an administrator and not a professional writer," here is a story with a punch. As chairman, he can apparently allow himself a passion that the more scholarly observer like a Ransmeier or Pritchett must hold in check. Indeed, in seven vigorous pages he seems to me to dispose with lucidity of the multiple-cost allocation problem over which Ransmeier ruminated for a whole volume.

The gospel that Lilienthal preaches is the "Seamless Web" and the "Common Purpose," the "Unity of Land and Water and Men." In one crisp chapter after another, he shows how the TVA, the people's expression of a public interest, is able to enlist the coöperation of farmers, business men, local officials, its own 40,000 employees, in "grass roots" democratic planning and development. True, it would sometimes have seemed easier for the TVA to do something itself: it has chosen rather the slower, more tedious—sometimes unsuccessful—methods of citizen self-education involved in getting the county board, the voluntary coöperative society, the lumber companies, to take the laboring oar. And, says Lilienthal, it has turned out over a decade that this method has actually been more "efficient."

It is perhaps inevitable that so ardent a believer should unintentionally leave the impression that his is the word that was in the beginning. Only occasionally is it brought out that other agencies of government, too, have lived by "grass roots" consultation with those affected (pp. 126, 155); or that, say, the British have contributed to the development of the public corporation as a "modern tool for a modern job" (p. 214).

Lilienthal is mistrustful of prattle about decentralization if it means merely men in the field subject to uniform administrative direction from the center. To have a true "regional pillar of decentralization," by this test, there must be (a) an autonomous federal agency, with authority to make decisions in the field; (b) responsibility to deal with resources as a unified whole in this agency, not divided among several "centralized" federal agencies; and (c) a policy, fixed by law, that the regional agency work coöperatively with and through local and state agencies.

Lilienthal has a noble view, a practical "grass roots" hardheadedness, and a keen sense that good administration and organization are as essential as a good policy; indeed, among his best insights are the true relationships of politics and administration, and of "experts and the people." I followed his well-knit reasoning from point to point, looking eagerly for his contribution to vexing questions that a reader of this REVIEW would particularly ask. Lilienthal takes cognizance of them—such as what would happen to our historic structure of national government if we covered the country with TVA's? I regret to say that this book does not answer them. Indeed, ultimately Lilienthal eschews them (p. 177). He seems to me greatly to over-simplify difficult questions of coördination in his pressing for autonomy and responsibility. It is not enough to say that the "TVA

reports directly to the President and to Congress," when Lilienthal can boast that it was necessary for the TVA Board to confer with the President only once in three and a half years after the fall of France (p. 165)—or to view any over-all setting of personnel standards on behalf of the President as an intolerable interference with responsibility (p. 173). But perhaps I ask too much of 225 pages.

This book makes triumphantly clear that "there is a choice," that "it can be done." Perhaps there is no way to compel the choice except to put men with David Lilienthal's sense of dedication in charge. Perhaps in his next installment he will answer some of the as yet unsolved questions.

CHARLES S. ASCHER.

New York City.

The Crisis of the National State. BY W. FRIEDMANN. (London: Macmillan and Company. 1943. Pp. ix, 197. \$3.75.)

Dr. Friedmann, in this careful analysis, is concerned with problems created by the slow death of the national state—a demise which seems to be inevitable, but which for one reason or another appears constantly to be postponed.

Part I is devoted to the rise of the national state, and includes discussions of political, economic, social, and legal backgrounds. There is nothing particularly new in this treatment, but it is competently done and constitutes a useful summary of institutional history.

In Part II, there is a much more detailed explanation of the decline of the national state. State and nation Friedmann sees as increasingly uneasy partners because of the conflicting principles characteristic of each. He correctly points out, as others have also done, that when the national state became imperialistic, it admitted a spirit which would inevitably be fatal to its continued existence. Then, too, the rise of working class and Marxist ideologies had its effect, as did the growth of elements within the middle class who found their own professional and social interests frequently conflicting with the pure ideal of nationalism. For example, the military class, bureaucracy, intellectuals, "black-coated proletariat," and the peasantry all had concerns and beliefs widely varied as those may have been, which diluted particularist emotions.

Friedmann is perhaps at his best in Chapter V, where he carefully considers the relationship between economic conditions and the national state. Here he reflects in considerable measure the tendency of most recent students of politics to repudiate extreme theories of economic determinism. Thus he criticizes the "myth" that "vested interests" deliberately provoke wars" (p. 103); and he also denies that the world is necessarily becoming more interdependent economically, especially in view of the rapid development of organic chemistry and of *ersatz* products. A true

view, he contends, is that economic groups find themselves pulled in two directions—one toward the accentuation of national statism and the other toward its dissolution.

In Chapters VI and VII, the author considers certain conflicting international ideologies which might conceivably constitute the foundations of a new order. Fascism, collective security, federation, the multi-national state, the commonwealth ideal, and *Grossraumordnung* vie with one another in this respect.

That the national state, "a political institution of relative value," has "set in on its decline" is the essence of the author's conclusion. To take its place, he proposes the development of international public corporations and the extension of the multi-national state conception, which he finds best exemplified in the Soviet Union. There must also, he contends, be a nice balance between the conception of world organization and that of regional association.

For the achievement of this new world, he finds hope in the Great Alliance of the United States, Great Britain, the Soviet Union, and China. While admitting that little of a positive nature has been accomplished, he thinks that the four Powers do have a "negative, ideological link" in that they are all anti-fascist and possess a fundamental faith in the "free individual."

On the whole, this reviewer would agree with the major part of Friedmann's analysis, which, while wanting in clarity at points, is still well worth reading. But it is difficult to see why the author had to weaken his effect by pinning his hopes upon a "Great Alliance" which obviously is *not* interested either in the "free individual" or in a non-imperialistic international order.

MULFORD Q. SIBLEY.

University of Illinois.

Estudios sobre la Constitución Nacional Argentina. Instituto de Investigaciones Jurídico-Políticas de la Universidad Nacional del Litoral. (Santa Fé, Argentina: Imprenta de la Universidad Nacional del Litoral. 1943. Pp. xxvii, 639.)

In 1943, the Argentine Republic celebrated the ninetieth anniversary of the adoption of its constitution. The constitutional convention which drafted this famous document met in Santa Fé, and for this reason it seemed particularly appropriate that Santa Fé's great institution of learning, the National University of the Litoral, should sponsor a volume of tribute to the constitution—tribute in the form of critical comment rather than unthinking praise.

The project was undertaken by the University's Instituto de Investigaciones Jurídico-Políticas, and was placed under the direction of the emi-

nent scholar, Dr. Salvador M. Dana Montaña, whose studies of public law have received widespread recognition throughout Latin America. The list of persons invited to contribute reads like a volume of *Who's Who in Argentine Political Science*. Unfortunately, however, many of those solicited failed to respond. Such names as Daniel Antokoletz, Juan González Calderón, Enrique Gil, Segundo Linares Quintana, and Agustín Matinezo are conspicuous by their absence.

None the less, the list of contributors is sufficiently impressive. It includes Adolfo Korn Villafañe, the University of La Plata's authority on provincial and municipal law; Clodomiro Zavallá, author of the important *Historia de la Corte Suprema de Justicia*; Felipe Pérez, former rector of the University of Tucumán; and, of course, Salvador Dana Montaña. The volume tends to be heavy with Sante Fé writers; seven of the fourteen authors are associated with the University of the Litoral or the provincial government. But this is not surprising, in view of the project's sponsorship.

All the manuscripts were in the editor's hands by the first day of January, 1943, but the book did not come from the press until November 11—more than ten months later. In the interim, Argentina experienced its now famous revolution, and settled down to the dubious enjoyment of a semi-totalitarian government. The editor of the volume made no attempt, however, to have its contents rewritten in the light of changed conditions, and as a result some of the articles already seem curiously out-of-date.

Apparently the work follows no general plan. Each author writes as he pleases, selecting the topic that most interests him and treating it in such detail as he deems appropriate. One article is less than ten pages in length; four others contain only about twenty pages apiece; while the longest contribution exceeds one hundred and seventy pages.

There is no necessary relationship, however, between quantity and quality. One of the best-written and most inspiring articles in the entire volume is Korn Villafañe's twenty-page discussion of the constitutional limits of the police power, in which he traces the development of social legislation in Argentina since 1904, with special reference to the attitude of the supreme court. Equally significant is Guillermo Cano's brief treatment of the constitutional questions raised by interprovincial rivers. Dana Montaña's article, on the other hand, though more than one hundred pages in length, merely repeats and elaborates the author's oft-expressed theory that the suffrage should be restricted to those persons who may reasonably be expected to use it with some degree of competence.

Despite the unevenness of the volume, the net result is definitely satisfactory. Some of the most perplexing problems of Argentine constitutional law are analyzed with rare insight. Some of the simplest problems—and their solutions—are restated with unusual clarity. Every person who is

interested in the government of the Argentine Republic will wish to read this work, unless his sensitive soul rebels at the prospect of finding *trivia* intermingled with matters of importance.

AUSTIN F. MACDONALD.

University of California.

Der Fuehrer. BY KONRAD HEIDEN. (Boston: Houghton Mifflin Company. 1944. Pp. viii, 788. \$3.50.)

This is a monumental and complicated book about Hitler and Hitlerism until June 30, 1934 (the blood purge). Mr. Heiden is too responsible a student of politics to emerge with any ready-made formula. To describe the phenomenon, he had to bring in many facts and facets, from Richard Wagner to psychoanalysis. The microcosmos Hitler, in Heiden's view, can be understood only by setting it into the macrocosmos of the German and European scene.

To Heiden, Hitler is the basest perfection of a personality type bred by industrial society at the end of the nineteenth century. Heiden's main message is that this type must not (but that it conceivably *could*) become an institution, cutting across and devouring all social and national barriers.

Thus he gives limited credit to Adolf Hitler himself. He most definitely does not ascribe his success to what Max Weber called the charisma of the leader. Heiden has spent years trying to get his facts. It was a great effort in the search for truth, probably causing him more agony than living an equally long time, for the sake of science, in a leprosy colony. Now, the man who has made it almost his life job to study Hitler, and who is eminently equipped for his job, comes out with the verdict: The scourge of our times happened to take personal appearance in one Adolf Hitler, formerly (for three full years) of "Men's Asylum" in the largely Jewish, poverty-ridden Twentieth District of Imperial Vienna.

This conclusion about the relative unimportance of Hitler is of signal significance. Had the disaster been brought about by the magic emanating from a unique individual (as, indeed, millions, including Hitler, believe), the Fuehrer's elimination would clean the atmosphere and make the post-war tasks less formidable.

But Hitler's secret, Heiden declares, was his very emptiness: "This Nothing in human form, drawing all the problems and passions of the day into himself . . ."—namely, the desire of the masses "to utilize the great achievements of the nineteenth century more systematically, and to distribute them more justly." This longing for social progress and equalitarianism, based on technological progress, was sensed most accurately, Heiden maintains, by the "human scum" who stole Germany with these slogans (p. 353).

"Hitler and his like filled the country with violence, murder, and de-

struction" long before 1933. How were they able to get away with it? Heiden answers bitterly: "The state of the world was such that the fools and misfits were profoundly right while the intelligent and normal were fatally mistaken," merely trying "to rebuild pre-war conditions" (pp. 261-263).

The author devotes much effort to analyzing the personality type of which Hitler is a specimen. Seeing the human avalanche, he considers the class concepts of the nineteenth century hopelessly inadequate. He makes a great contribution to the sociology of Nazism by stressing that here a new type has emerged. "From the wreckage of dead classes arises the new class of intellectuals . . . the armed bohemians to whom war is home and civil war fatherland" (p. 100). "The armed bohemian, grown homeless through the collapse of the war, conjures up the dead war in peacetime life" (p. 146).

Heiden uses the terms "intellectuals," "armed intellectuals," and "armed bohemians" more or less synonymously. This is confusing, because he really has at least two strictly different types in mind. What he calls "armed intellectuals" are technicians of violence, experts in warfare, with a ruthless belief in the efficiency of their methods, and a desire to rule over the state. The "armed bohemians" are the "declassed of all classes," the men characterized, as Heiden says, by "pistol, club, and torture chamber" (p. 353). In fact, the bulk of his factual report appears to show that the real tragedy of Germany and the world, because the secret of the success of Hitler's blend of efficiency and barbarism, was the alliance between the soulless, iron, ice-cold technicians of violence and war, with the rowdies who, even according to Hitler, were "unfit to occupy any responsible position" (p. 732).

Heiden makes it abundantly clear that the importance of Hitler's contact with the officers "cannot be overestimated" (p. 303), and that all too few German officers refused to shake hands with the armed intellectuals and the armed bohemians. In fact, the Third Reich is, as Heiden shows (e.g., p. 560), the result of a fusion between Reichswehr-ism and S.A.-ism.

Heiden's analysis of the new technology of brutality is masterly. He emphasizes that, *not* the "dispossessed petty bourgeoisie," but the "appreciable portion of German youth which is utterly cynical, is the human type which later buried their fellow-men alive. This total disregard of humanity is born, not of bloodthirstiness, but of cold calculation" (p. 352). This is only too true. It proves the utter impossibility of remedying the situation by appeals to humanitarianism or utilitarianism.

The book also violently contradicts the "legend that German capital, acting as a body, has brought Hitler to power" (pp. 264, 445). But the author qualifies: very early, the movement had among its benefactors the money magnates Thyssen and Kirdorff; in 1930, "the opening attack of

big business on the Weimar republic gave Hitler his first great chance" (p. 339), and a few weeks before he became Chancellor, his historic conversation with banker von Schroeder "probably saved Hitler from bankruptcy. A consortium of heavy industrialists was formed for the purpose of putting National Socialist finances in order" (p. 522).

Equally important, this veteran analyzer of Nazism does not think that international affairs brought about Hitler's success or, in turn, could have prevented it. "It is a legend to call him a creature of Versailles" (p. 346). The most striking illustration of the relative unimportance of foreign policy was given when Brüning's sensational success in striking out German reparations did not help him at home.

Heiden's book reveals much about Hitler's life story and personality. It describes how he got soup from a cloister window, shoveled snow, hung around the "warming rooms" founded by a philanthropist of Jewish ancestry (p. 55), how a Hungarian Jewish old-clothes dealer furnished him with shirts and a caftan-like old coat (p. 61), how he learned to know humanity from the dregs" (p. 62), how later he delayed going to see Mussolini until he should be able to arrive with at least three automobiles (p. 279), and innumerable other significant facts. About the Fuehrer's personality, his biographer concludes: "The fixation of his hysteria is on the contradiction between greatness and nonentity" (p. 378). Contrary to general opinion, Heiden believes that Hitler does not handle men well (p. 368).

At times, the author offers philosophical *obiter dicta* on the evils of our time which reveal a rather pessimistic personal outlook. But, strictly, these opinions do not form part of the story. Whenever it comes to making factual statements, Heiden is cautious—indeed, very much so. Even when he could be "sensational," he is not so, e.g., when speaking about Hitler's relations with his niece-mistress Geli Raubal and her strange death; or when speaking about the secret negotiations between SA chief Roehm and the anti-Nazi para-military Reichsbanner organization. At times, one would like the author to be less taciturn; he asserts, for example, that Hitler lied when he declared under oath that he did not ask money from Henry Ford; but that the person who possessed documentary proof of the truth kept silent, *thus possibly failing to undo Hitler*. (p. 369).

It is to be hoped that, one day, Mr. Heiden will tell everything he knows, giving professional social scientists full access to the wealth of his assiduously accumulated evidence. Also, Heiden should write a sequel—"Hitler since June 30, 1934." For, although it is true that by 1934 Hitler had subdued most of Germany, the perhaps even stranger and more staggering story of how he infatuated a much too large part of the rest of the world must be told—and not only for the sake of historians.

HANS ERNEST FRIED.

New York City.

How Nazi Germany Has Controlled Business. BY L. HAMBURGER. (Washington, D.C.: Brookings Institution. 1943. Pp. 101. \$1.00.)

In a hundred pages, Dr. Hamburger has supplied one of the most concise, thoughtful, and readable reports on the aims and techniques of National Socialist economic administration. The situation of business under the Swastika is doubly paradoxical: Nazi economy goes beyond capitalism because it is an economy for the attainment of non-economic, or at any rate not *primarily* economic, ends. At the same time, Nazi business administration shows an outward conservatism which has deceived many business men, statesmen, and political scientists inside and outside Germany. Hence, one of most necessary, but most difficult, things in writing about Nazism is to "translate" the familiar names and institutions still used in Germany into their real meaning. In this, Hamburger succeeds extremely well.

The author starts with a short chronological description of the emergence of the machinery. He emphasizes the very important point that the first measures of the régime aimed at re-privatization of the economic life, keeping its promises to "the German property-owning class which had been largely instrumental in putting Hitler into power." Control evolved piecemeal fashion. The "Four Year Plan" was merely a slogan for the re-militarization program, culminating in Gering's Economic General Council, created in December, 1939.

Then, the book proceeds to give a picture of methods, purposes, and achievements of National Socialist control (1) of entry into business (devised to further various government policies); (2) of supply of materials (a system of government allocations); (3) of labor supply (there is both compulsory maintenance and compulsory mobility of labor); (4) of wages and prices (wages were frozen at the lowest level, namely, that of 1933; prices for farm products were deliberately increased; the wholesale and retail prices of virtually all commodities were under control by November, 1936) (pp. 48, 53); and (5) of profits (allocation as well as volume of profits is regimented).

Hamburger also has very interesting things to say about enforced termination and enforced continuance of business. Finally, in the best tradition of real "political economy," he gives an analysis of who does the controlling. Correctly, he emphasizes the enormous rôle of the "chambers of commerce" (there were 209 of them early in 1942) "and related groupings, as well as trade associations" (p. 85). They are, under various fancy and complicated names, "the government's morale and enforcement department" (p. 90), "a new and unique type of industrial police" (p. 91). As a rule, they are headed by active business men.

These organizations enjoy a monopolistic position. Membership is compulsory. They act under the leadership principle, i.e., the man who has

the biggest firm in the particular field, or has the best pull, becomes the "boss" in his trade or business, to the extent of "actually regulating" the activities of his less lucky competitors (e.g., making specific recommendations as to which shop should close down). Many of these features look like self-government. But, Hamburger maintains, business assists rather than replaces government, self-government being inconceivable in a totalitarian state.

It is certainly true that "self-government" under Nazism is never legally guaranteed or actually secure. Yet, here the author somewhat mars the picture by lumping together small artisans and big factories and corporations under the term "business." In fact, the growth of big business at the expense of medium and especially small business during the last decade has been most impressive in Germany, and was obviously fostered by the régime. Also, it may be said that the author distinguishes too sharply between "government" and "business." A large portion of the regimenting of business is being done by men in brown shirts, sitting in huge government or party offices. But many of these autocrats are the very same men, or the sons of the men, who used to run their business from their private desk, dressed in business suits. In other words, in the meta-capitalist régime of the Nazis, many industrialists do not run their business any longer *qua* "independent employers"; they run their business (and that of others, too) *qua* government and party officials.

Also, the leadership principle in business has led to an enormous growth of power on the part of certain groups of corporations and individuals. For example, Hitler's legislation made shareholders practically powerless and the board of directors all-powerful. Furthermore, the Nazis, always looking ahead, have been very shrewd in their systematic efforts to veil their war-time "transaction," especially the gigantic looting of the wealth and assets of foreign countries. They have been using the most elusive and complicated legal forms to make an unscrambling as difficult as possible. In this respect again (and this will be one of the thorniest international problems after the war), the border-line between Nazi government and Nazi economy has become indistinguishable, both personally and functionally.

Mr. Hamburger's study is excellent and deserves wide attention.

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The Danube Basin and the German Economic Sphere. BY ANTONIN BASCH.
(New York: Columbia University Press. 1943. Pp. xviii, 275. \$3.50.)

A Czech economist, who has observed closely the economic development and struggle of the Danubian basin in the years between the two stages of open conflict in the German War, has written the story of Germany's

determined attempt at domination of the Danubian economy, especially after 1931. The rising tide of nationalism in the nineteenth century brought with it the progressive disintegration of the Ottoman and Habsburg empires which for many centuries had provided a framework for the many, and often intermingling, peoples and civilizations of South-Eastern Europe. Their final breakdown in 1918 left in its wake a number of small states to which sufficient time was not given for internal consolidation or for economic intensification. Politically and economically, they lagged a century behind Western Europe; and their weakness and their disunity offer the opportunity for German aggression. The problem ahead of them will be the strengthening of their economic foundations, made even more urgent by the rapid growth of their populations. Their economic backwardness made it easy for Germany to dominate their internal economic life and thus to gain decisive strategic positions from which to proceed from conquest to conquest.

Dr. Basch is a man of learning and of wide practical experience. He has combined in the last twenty years the activities of a scholar in economics, of a managing director of important industrial works, and of a diplomat. From study and travel he has gained an intimate knowledge of Germany and the countries of the Little Entente and the Danubian basin. Now he has brought together, in a careful analytical study, backed by statistics, all the facts necessary to form a responsible and well informed judgment on the future of these countries. A United Nations victory, of course, will prevent Germany from again gaining economic domination of South-Eastern Europe and thereby the basis for continental aggression and hegemony. But that alone will not ensure a healthy economic expansion of the economically backward areas of Europe. The only salvation lies in the industrialization of this region in the intensification of a process begun in some countries before 1914 and in others after World War I. This industrialization—like the whole policy of economic development for backward countries—is a long-range program which requires comprehensive planning, and which should aim primarily to increase the standards of living and to expand the domestic market.

Such a program, which can be achieved only with the help of the Western powers, will provide a new and safer balance for Europe as a whole. It will be part of a world-wide effort to transform and vitalize the economic life of backward countries. All these attempts demand a world-wide economic collaboration. Neither peace nor economic welfare can be achieved on a continental or regional basis. Professor Condliffe points out in his introduction to the book that the "autarkic unity which Germany has forced upon the Continent is a unity of impoverishment. Only in a world trading system can the European peoples breathe freely. It is this

fact, more than any other, which renders suspect plans for European federation. The German influence in such a federation would necessarily be dominant. Ingenious constitutions cannot outweigh the force of raw materials, integrated industry, and massed population. One well may fear that a United States of Europe would quickly prove, not a step toward a peacefully organized world, but the greatest bar to realizing that much desired goal." This well considered conclusion is fully borne out by the convincing demonstration offered in Dr. Basch's instructive volume.

HANS KOHN.

Smith College.

The French Right and Nazi Germany, 1933-1939; A Study of Public Opinion. BY CHARLES A. MICAUD. (Durham, N.C.: Duke University Press. 1943. Pp. 255. \$3.50.)

Here is a real study, and it is one of the first to come to grips with the problems involved in the "fall of France." The author was born in France and was schooled at Paris and Lyon. He came to the United States in 1936, and recently became an American citizen. Meanwhile, he acquired both the M.A. and Ph.D. degrees in government and history at Columbia University. To his job, therefore, Micaud brought *une instruction solide*. Wedded to American graduate school methodology, one recognizes, in the book itself, true French "balance," language intimacy, and keen awareness and discriminating use of sources of Rightist opinion. The tone is exalted throughout, and the theme does not progress by means of the prosecution of charges against personal devils or upon "intimate revelations to the author by high officials." No adequate summary can be made of Micaud's chief quest "to fathom and explain this reversal [between 1933 and 1938] of the Right's position in foreign affairs from an anti-German policy of integral defense of the *status quo* of the peace treaties to the acceptance of German expansion in Central and Eastern Europe."

Under space limitations, it is perhaps preferable to start with the author's concluding paragraph, and to use the term "Right" generally rather than try to follow the shades of opinion portrayed in the book. "The resistance of Great Britain and the intervention of the United States," asserts Micaud (p. 232), "aligned the great democratic powers with Soviet Russia and brought the ideological war to its present stage, the coalition of politico-economic liberalism and bolshevism: the realistic conception of an alliance between threatened countries, but not between ideologies; is only a convenient means of escaping an awkward situation. Unless a real and lasting compromise is found during and after the war between social systems and conceptions of government of the present allies, the ideological war will not be ended by the defeat of the Axis."

Here, raised (legitimately?) to the global level, is the problem that

spread confusion and paralysis in French Rightist circles between 1933 and 1939. Concern for the preservation of the international *status quo* of Versailles-system France came to be compromised with Rightist concern for the preservation of the Rightist position within France itself. Thus, for example, its attitude toward the Franco-Soviet Pact was equivocal because that agreement might possibly become, under a government by the Left, a pact with bolshevism in France. Over the course of these years, the French Rightists conceived the hierarchical and authoritarian structure of Fascism and, latterly, of National Socialism—not only as appealing, but as a barrier against the bolshevization of Europe. The “distorted appraisal of the two dangers” to France was not corrected until the occupation of Bohemia and Moravia by German troops in March, 1938, but it was “only in the latter part of April and at the beginning of May, after the Franco-British guarantees had been given to Poland and Rumania, that a quasi-unanimous determination to resist was reached” (p. 206). Micaud notes (p. 229) that the dilemma of the Right was not limited to France.

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The Growth of the Red Army. BY D. FEDOTOFF WHITE. (Princeton: Princeton University Press. 1944. Pp. xiv, 486. \$3.75).

The purpose of the author of this book is to present, not a history of the Red Army, but a study in military sociology, chiefly from the point of view of social conflicts inside the Red Army. It was written under influence of a course in “social conflict” given by Professor Theodore Abel, of Columbia University. According to the author, “without the awareness of the conflict history within the Red Army and of the organizational measures taken by the Soviet government to counteract these antagonistic trends and to forestall their growth in wartime into full-fledged conflicts, it is impossible to appraise intelligently the Soviet military forces.” He sees an army as “a complex of groups with conflicting interests,” held together by a common interest and by an organizational structure.

The author briefly treats the heritage of the old army received by the Revolution; examines the organization of the Bolshevik military forces before the October Revolution; describes the early days of the Soviet régime (he believes that at Brest-Litovsk the Russian national interests were sacrificed to the party interests, that the country was still able to wage a war with Germany); follows the development of the army during the civil war; gives some place to the Kronstadt rebellion and to the differences of military doctrines of Trotsky and Svechin compared with those of Frunze and Gusev; examines the reorganization of the Red Army after the civil war, the period of Frunze’s reforms, the changes during the first

five-year plan; and finally, under the title "Toward the Greatest Army in the World" he examines the events of the last six years before the present war (this war as well as the Finnish campaign are not touched upon except in some remarks).

In four chapters which form the bulk of the book (on the civil war, Frunze's Army, the first five-year plan, and the later period, he follows an identical pattern: organization of the army; commanders; military commissars; rank and file communist organizations; soldiers; conclusions.

In the opinion of the reviewer, the presentation of Trotsky as a talented organizer of the Red Army is not proved; acceptance of the Soviet figures on the social origins of the army groups misled the author in many cases; the study of the conflicts inside the army on the whole is divorced from the conflicts outside of it; his attempts everywhere to oppose the party and the country bring him into difficulty in the last period: for him, the reforms of that period represent a jump, the end of an attempt to build an army "from classes supposedly more loyal to the régime," while it was the last logical step in the development connected with the social changes in the country. The treatment of the great purge is poor; there are some exaggerations—for example, the author came to the incredible conclusion (based on certain assumptions) that the Red Army's infantry alone in 1939 had more than five million men.

The language of the book is involved. The notes are given at the end, and usually no mention is made of the importance of this or that writer whose opinion is brought to support the author's point of view; there is a great difference between the opinion of some Red Army leader and some Russian émigré.

The book is hardly for the general reader; but for a specialist it certainly represents a contribution. The author collected a wealth of materials; his quotations from the original sources are numerous; his conclusions are usually cautious, reasonable, and unbiassed.

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The Italian Conception of International Law. BY ANGELO PIERO SERENI.
(New York: Columbia University Press. 1943. Pp. xii, 402. \$5.50.)

The first third of this volume is devoted to the development of international law from "The Renaissance" through "The Period of Foreign Ascendancy." It furnishes us with a remarkable outline of the origin and early history of many of the most important principles of international law which were first applied by the Italian city states. The remaining portion—Part III, "The Resorgimento," and Part IV, "The Contemporary Period"—treats of the more recent internal politics which have influenced Italian interpretations of international law.

The author comments: "Some Fascist practices during recent years are not the expression of new tendencies, but plain violations of international law; others are indications of a change in international relations to which democratic and totalitarian states have both contributed" (p. 296). After indicating a series of cynical violations of the law of nations, he declares: "Pseudo-legal justification cannot mitigate the fact that in the last ten years Italy has acted in a manner contrary to international law" (p. 309).

In the chapter on "Italian Doctrines of the International Community," we find a very interesting account of the rôle of the Italian states in the introduction of the principles of Roman law into the government of the relations of states. A lucid account is given of the manner in which the Empire was recognized to have a theoretical or ideal supremacy at the same time that *de facto* the political independence and equality of the Italian states was asserted and indicated. Bartolus still speaks of the 'Holy Roman Empire' and does not expressly refer to an international community. Nevertheless, he is the first to enrich the concept of empire and to portray it as similar to the international community of today" (p. 61).

Professor Sereni considers that it would be difficult today "to maintain that a state is bound to recognize foreign laws, judgments, and acts in the absence of specific treaty obligations to that effect" (pp. 66-67). Nevertheless, in his discussion of Bartolus's views regarding private international law he quotes the Dutch scholar Meijers, who wrote: "We found among the post-glossators as the basis of private international law the same principles which today are still expounded: the sovereignty of the states over persons and things, an international law which sets limits to sovereignty, and the principle of the autonomy of parties" (p. 67).

In his interesting account of reprisals, the author adopts the viewpoint that by the authorization given the injured citizen to have recourse to reprisals the state "renounced . . . the right to take into his own hands the reparation of the wrong suffered by one of its citizens and left it to him to seek reparation at his own risk and peril without giving rise to a conflict between states" (p. 47). May it not rather have been that the state action was simply intended to limit or regulate the exercise of a private action traditionally undertaken by the individual himself? In so acting, the individual would seem to be the subject of the right so vindicated through recourse to the remedy of reprisals. When the state intervenes to restrict the exercise of this right in the interest of national security and international peace, and when it eventually substitutes its action for that of the injured citizen, does the state do more than supply a substitute machinery or procedure to aid the citizen, subject of the right, to vindicate it? The point is important because it supports the viewpoint that individuals as well as states are subjects of international law.

When we read the account of land warfare as conducted in this early period and compare it with modern practice, we seem to be contemplating the Golden Age; for we are informed that although conflicts in the Italian states were frequent, they were, "for the most part, limited to military skirmishes and forays. Far more men were made prisoners than were killed, and prisoners, as a rule, were ransomed. . . . The ideal of concord and peace constantly remained in the minds of the contenders, since there were no profound moral and ethical splits such as exist today among various peoples" (p. 36).

Especially worthy of note is the explanation of Italian practice and theory in regard to the procedure and legislation adopted in order to fulfil treaty obligations (pp. 321 ff.). Italian courts are free to interpret international law, and this gives rise to some extraordinary situations, as, for example: "Italian courts generally refuse to recognize the immunity of jurisdiction of foreign diplomatic agents in civil matters, though these decisions are certainly contrary to the international obligations of Italy concerning the treatment of foreign diplomatic agents" (p. 324).

It is reassuring to read the author's assertion "that Fascist ideologies have not exerted the slightest influence on the Italian conception of international law" (p. 349). Professor Sereni considers that the Italian school is of an "eclectic character, since it partakes of the conception of the positive school as expounded by Anzilotti and by such opponents as Romano and Belladore Pallieri" (p. 349).

The author distinguishes between the disastrous consequences of the Fascist régime and the benefits to be derived from a strong state as "the best safeguard of individual rights and the best protection of all the citizens. It can," he believes, "equitably distribute rights and duties among all the individuals and secure liberty and justice for all. This type of state is the state of tomorrow. Many symptoms show that there is a trend in all democratic countries toward a stronger state organization which will have greater powers and wider functions. The era of individualism is over. The distinction between private and public activities is disappearing. The present World War will only precipitate this change in the structure of the state, and peace will not bring back the old-fashioned type of state. International law must evolve in order to adapt itself to the changing structure of its subjects, and the analysis of the present practice of the totalitarian countries will help to ascertain what changes will be necessary" (p. 353).

The Fascist and Nazi régimes exploited every weakness in our system of international law in order to further their fell designs, and we must agree with the author that "a redefinition of the rules of international law which will prevent the repetition of this evil presupposes full knowledge of the devices adopted by the Fascist régime in order to achieve that

fraud against international law" (pp. 352-353). Professor Sereni's study gives us that knowledge, and at the same time does much to clarify our understanding of the principles of international law. In the opinion of the reviewer, this is one of the most important, scholarly, and interesting studies that have appeared in recent years.

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The British Commonwealth at War. EDITED BY WILLIAM YANDELL ELLIOTT AND H. DUNCAN HALL. (New York: Alfred A. Knopf. 1943. Pp. vii, 515. \$5.00.)

This volume consists of a most painstaking and concrete analysis of the war organization and exertions of the British Commonwealth of Nations. Professor Elliott contributes a very illuminating and statesmanlike introduction on war objectives, isolation, and coöperation among the democracies. Former Chancellor Heinrich Brüning contributes an analytical and practical survey of wartime administration in Great Britain and Germany. Claire Nix deals with the organization of supply in Great Britain. William S. McCauley and Eric Roll describe Britain's war economy. Then, the Canadian war effort, in its political, economic, and administrative aspects, is presented and evaluated by Gwendolen M. Carter and B. S. Keirstead. Fred Alexander appraises the participation of Australia; while the contributions of New Zealand and South Africa are illuminated by F. L. W. Wood and Lucretia L. Isley, respectively. A chapter on India and the war is supplied by an anonymous writer, and there are several appendices containing documents which contribute to the understanding of the situation, and an elaborate chart of wartime administration in Great Britain. The evolution of wartime developments is brought down, in general, to the spring of 1942, but in some cases later events are included. There is no doubt that the record and appreciation have been most carefully and authoritatively drafted: it is an essential document. Of course, the story of a fluctuating and continuing battle, if stopped at a given date while events move on, does not allow us to appreciate the changes that have occurred in response to the statesmen's recognition of early errors, and the facts lose some effectiveness when not part of a completed chronicle.

As the contributions are too condensed for summary, observations must be limited to some phases only of the chief discussions. Mr. Duncan Hall's survey of "The Commonwealth in War and Peace" is a very thorough, lucid, and detailed account of Imperial relationships ("composed of some 60 administrations"), ranging from the great constitutional questions down to details like the means of communication between the Dominions. All the criss-cross complexities of the machinery are clearly displayed.

Yet the account gives an impression of almost unconditional unity among the Dominions, although in other parts of the symposium there are occasional suggestions (in my view, insufficient for an appreciation of the nature of the Commonwealth) of particularist tendencies. The author quotes, for example, from high officials of the Commonwealth to this effect: "In this war the British Commonwealth has functioned as a unitary state almost as smoothly as if we had been provinces in a Federation." The author faintly demurs; but does not himself convey the sense, which has pervaded some statesmen with dismay, of some not insignificant alienation of affections. Neither the Canadian situation, nor the South African, nor the Australian *state of mind* is fully presented. Nor is there adequate emphasis on the diverse attitudes of the Dominions to the policy of appeasement and Munich, especially the strength of democratic sentiment in New Zealand.

Dr. Hall does, indeed, discuss "the psychological bonds and governing ideas as the foundations of the Empire," rightly arguing that the Commonwealth can never be understood unless certain imponderables are understood. It is certain that Dr. Hall grasps these imponderables, but it is doubtful whether his appreciation of them is conveyed. He says: "The basic fact of the British Commonwealth is that it is a family of nations. The relations of its peoples to one another are those of the members of a family." The difficulty about this analogy is that while it gets near the truth in using the term "family," surely families display very mixed relationships. Would it not be valuable to consider more carefully the family relationship in the true biological sense, namely, the descendants of various generations in the Dominions who still have family connections in the mother country or in other Dominions? If this were done, as a point of departure, the strengths and weaknesses of the Imperial connection might be clarified; a different outlook might be noticed among the successful and rich and those who had left the mother country feeling downtrodden and discontented. That is not all. What people in the Dominions like about Britain, and therefore what produces solidarity, is that the mother country plays a high, a noble, and forceful part in world politics. The Motherland's prestige is their prestige. Its nobility is something in which they like to share. But in each of the Dominions there are classes, and in some there are also differences of race and national origin. This makes for a very great diversity of psychological reaction to the mother country. Would it be surprising if it were declared that some Dominion socialists are anti-British and some rich industrialists are also anti-British? The analysis requires pressing beyond the conventional; only by such adventures will the Commonwealth live.

Professor Brüning contributes some luminous thoughts on the prob-

lems of wartime administration, as well as a description of action in Great Britain and Germany. In both these aspects, the student will find very considerable assistance—in my view, especially in the wise and brilliant analytical section. Discussion of the regionalization of the apparatus is especially valuable, and there are *aperçus* like this: "For treasury control of expenditure, which is one of the vital functions of administration everywhere, men of a particular type, *indifferent to the glamour of novel proposals* of spending money, are needed" (p. 143). Some of the judgments stimulate questions. Ought we still to put Switzerland forward as a model from which to draw lessons regarding the organization of democracy? As the author stresses, "she has certain particular advantages of tradition and geography." But she has also relatively few and relatively small problems compared with countries like the United States, Great Britain, Russia, Germany, and France.

Again, the explanation of the different nature of bureaucratic organization in Great Britain and Germany is based mainly on diverse liabilities to foreign invasion. That is an ultimate, a long-distance, cause; but a more proximate one (which may be the result of the distance) is certainly the fact that long before a large bureaucracy was ever needed, there had been established in England the political primacy of a sovereign parliament, first in the hands of a wilful aristocracy and later of a determined democracy. First come, first served: the bureaucracy is the creature of Parliament. Once again, is it fully explanatory to ascribe the defeat of France to administrative causes—to the failure to amalgamate political leaders, army and navy officers, the civil service, and business men and technicians (p. 90)? Assuredly the lesson of the defeat is much more profound; must we not look to the nature of French society and politics, the attitude to war, the recruitment of the General Staff? Administration was a tertiary cause. Also the comparison between the British Prime Minister and the American President as the leader of national administration, in other respects most instructive, seems to give insufficient weight to the effect of the concentration of all constitutional responsibility in the President. For if a President is conscientious, he hesitates to devolve authority upon others, and when he does so, restlessly retracts and transfers the devolved power. Professor Brüning says (p. 150): "Even with his present enormous powers, the British Prime Minister labors under difficulties which do not exist to any comparable extent in the United States." For the reason suggested, and for many others which have become clearer since the spring of 1942, is there not cause for a revaluation? There are many other Brüning sparks which will set the imagination on fire.

In Chapter IV, on British war economy, Professor McCauley declares that the objectives of war finance should be threefold: funds for defense,

facilitation of the transfer from civilian to military production, and preservation of economic stability by securing the full sacrifices from the taxpayers. Reflection on British experience would allow the addition of another objective, that is, compatibly with the rest, to secure an approach to equality of sacrifice among the different income groups essential to maintain the morale of the whole population in a long and total war.

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British Far Eastern Policy. BY G. E. HUBBARD. (New York: Institute of Pacific Relations. 1943. Pp. xi, 97. \$1.25.)

British Economic Interests in the Far East. BY E. M. GULL. (London: Oxford University Press. 1943. Pp. vii, 272. \$3.00.)

Mr. Hubbard's pamphlet deals with the principles of British foreign policy in China from the early nineteenth century to 1943. During the greater part of the nineteenth century, Great Britain was the dominant power in the Far East. At the beginning, her principal motive was to open the Chinese market to British trade. This policy led eventually to the so-called Opium War, although opium was only incidental to the real issue involved. This was the determination of the British government to compel China to allow foreigners to trade freely and without unjust restrictions. The war was really brought about by the conflict between Chinese exclusiveness and the nineteenth-century doctrine of freedom for trade. Mr. Hubbard reminds his readers that Great Britain was the originator of the open door policy, and that she made no attempt to secure any exclusive advantages to herself. The United States and other countries "plunged into the field with alacrity and peacefully secured the privileges enjoyed by the British." Great Britain also tried to preserve the independence and territorial integrity of China. She was opposed to annexations and spheres of influence, for the excellent reason that they curtailed the Chinese market which the British sought to develop. This policy was temporarily modified at the turn of the century, when it looked as though China would be partitioned between Russia, France, and Germany. Great Britain could not effectively maintain the principles of the open door and the territorial integrity of China without a degree of support from the United States, which was not forthcoming.

During the inter-war period, the objects of British policy were still the open door and the preservation of Chinese independence. Britain also played a leading part in the renunciation of extraterritorial rights and foreign control of the Chinese tariff. This policy led to the growth of Japanese hostility. The weakness of Britain's armaments and the growing danger of war in Europe made it impossible for her to oppose the Japanese actively. Mr. Hubbard emphasizes that the ability of Britain to resist

Japan by force was still further impaired by the very great uncertainty regarding American willingness to take part in a war against Japan. The temporary closing of the Burma Road in 1940 was inevitable, owing to the desperate position in Great Britain and the great uncertainty of American help if war broke out. Mr. Hubbard has written a clear and excellent political summary; and his book is a useful addition to the Inquiry Series of the Institute of Pacific Relations.

Mr. Gull gives a very valuable history of British trade and investment from the days of the East India Company to 1942. Most of the book deals with China, but briefer sections describe British economic interests in Japan and South Eastern Asia. While predominantly economic in his treatment, the author shows how Britain's foreign policy arose out of her economic interests. The book is complementary to Mr. Hubbard's pamphlet, and provides an indispensable background for the understanding of the foreign policies which the latter outlines. The treatment is very detailed and gives a wealth of exact information on every phase of British economic activity. A summary of the main trends of development is appended to each section. These résumés greatly increase the clarity and usefulness of so full a treatment of the subject.

The two writers concur that British policy consistently worked for the open door, and was opposed to the creation of exclusive interests by any country. The British special interests in Hong Kong and the concessions were thrown open on equal terms to the nationals of other countries. The Chinese merchants and bankers profited greatly from them, and their unwillingness to see them abolished eventually gained them the ill-will of Chinese nationalists.

Down to 1914, Britain was "still, to a very large extent, cock of the walk economically in China." The decline of British economic predominance began at that time. Between 1914 and 1940, the major share of China's foreign trade passed to Japan and the United States. Textiles had been the principal British export to China, and the sales shrank rapidly, owing to the growth of Japanese competition and the development of cotton mills in China behind the protection of a rising tariff. British exports of machinery increased, but did not compensate for the loss of the textile trade. The inter-war period also saw the doubling of British business investments in China, owing to the establishment of factories, mines, etc. The chapters on the period since 1937 show in great detail the slow but growing success with which Japan was beginning to exploit North China. The final chapter has some shrewd observations on the Japanese economic system and the merits and demerits of the special privileges enjoyed by foreigners in China.

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The Road to Teheran. BY FOSTER RHEA DULLES. (Princeton: Princeton University Press. 1944. Pp. vii, 279. \$2.50.)

Russia and the United States. BY PITIRIM A. SOROKIN. (New York: E. P. Dutton and Company. Pp. 253. \$3.00.)

The revival of the historic friendship between the United States and Russia symbolized by the Teheran meeting of President Roosevelt and Premier Stalin has led many to hope that a more general and enduring peace may rise on the basis of this accord. In this hope, Foster Rhea Dulles and Pitirim A. Sorokin have undertaken to review and analyze the peaceful relationship which has persisted between the two countries for a century and a half. Both authors have, in quite different ways, attempted to answer the questions: Why has unbroken peace been possible for such a long time, and what significance has this harmonious relationship for the future?

In *The Road to Teheran*, Professor Dulles has given us a factual review of the diplomatic relations between the two countries, with a generous body of illustrations culled from the contemporary press indicating the American attitude towards Russia. This is the first such treatment covering the entire period from 1781 to 1943, but it is no tedious diplomatic history recording in meticulous detail every official exchange of notes. Many interesting episodes suggest analogies to the recent past, but happily the author has left this task largely to the reader. Recognizing that the political systems of the two countries have always been at opposite poles, a fact which has produced periods of dangerous ideological conflict, the historical review nevertheless reveals that the foreign policies of the two nations have run along parallel lines. Passing reference is made to the similarities between the Russian and American peoples and to the respective continental position of the two nations. But, more fundamentally, their interests have been very much the same and the threats to those interests have arisen from the same quarters. Thus Professor Dulles finds that during the greater part of the nineteenth century Russian aims coincided with those of an emergent America in opposition to Great Britain and in the desire to uphold the freedom of the seas. Common objectives of trade and commerce have also served to bring about a "parallelism" in policy. Finally, the two powers have twice found themselves arrayed against a common enemy in war. Little more than this can be inferred from the story of Russian-American relations, yet it is the history of a friendship based upon the realistic appraisal of each nation's national interest. Similar harmony may be expected in the future if equally realistic judgments are made, although responsibilities henceforth will be international in character and not solely national.

Professor Sorokin, in *Russia and the United States*, also finds that the two nations have had common interests in the past and that in the future

their whole-hearted coöperation is not only possible but essential. His book is a study with a thesis, *par excellence*, in which an interesting body of Russian experience is presented to substantiate the argument. He also draws upon his previous extensive work, *Social and Cultural Dynamics*, for detailed proof regarding many of the broad generalizations developed here. Maintaining that a false view prevails regarding the excessive autocracy of the Czarist régime, he points out that many areas of Russian life have been essentially democratic since the reforms of the middle of the nineteenth century. The Russian Revolution, he believes, has entered its "post-destructive" phase, and during the past decade we have witnessed in the Soviet Union a return to and a perpetuation of the vital, democratic trends in Russian national life. This is in line with his theory that only the moribund is finally cast overboard in any revolution: Then the lengthy demonstration follows showing that the two nations possess striking similarities geopolitically, psychologically, culturally, and socially. The author believes that these mutually congenial qualities have meant the difference between war and peace and comes dangerously close to an insistence that they may insure continued peace. Since the political and economic systems of the United States and the Soviet Union are again converging, Professor Sorokin is confident of the future—even if we have a continuation of power politics. The reader will find much that is novel in this interpretation. One may question whether the accord between the two nations has been finally tested. Certainly the United States has not ranked as a world power for a century and a half, nor can we rule out the possibility of altered power relationships that may produce clashes which no socio-cultural similarities can check.

GRANT S. McCLELLAN.

Foreign Policy Association.

A Symposium on Post-War Problems. Proceedings of the American Philosophical Society, Vol. 87, No. 2, August 16, 1943. (Philadelphia: The American Philosophical Society. 1943. Pp. 198.)

Problems Ahead. BY GUSTAVE HENRY GLUCK. (Privately printed. Sold by Columbia University Press. 1944. Pp. 74. \$1.50.)

The approaches of these two volumes to post-war problems are quite dissimilar. The *Symposium on Post-War Problems* considers many aspects of the subject and is limited to general principles, whereas Mr. Gluck deals only with economic questions and is specific in the presentation of a program. Both recommend an extension of internationalism, but not without recognizing the obstacles.

The *Symposium on Post-War Problems* contains the papers read before the American Philosophical Society at its midwinter meeting of February 19-20, 1943. A paper by Professor Franz Boas on "Individual, Family,

Population, and Race," read on November 21, 1942, is also included. All of the papers bear directly on post-war problems excepting this one by Professor Boaz and another by Professor Emory Johnson on "Panama Canal Revenues and Finances." The wide range of subjects taken up include economic problems (Alexander Loveday, Robert Warren, John H. Williams), self-determinism (Oskar Halecki), population trends (Frank W. Notestein), the small nations (Halvdan Koht), food (Frank G. Boudreau), post-war planning (Alexander Loudon), and America's relation to internationalism (Guy Stanton Ford). Several of the papers, particularly those by Dr. Ford and Ambassador Loudon, express a strong feeling against isolationism. The nature of the future organization to maintain peace is not given much attention in any of the papers, but there are occasional suggestions on the subject. The principle of regionalism, for instance, is advocated both by Ambassador Loudon and Foreign Minister Koht of Norway.

With a background in international trade and banking, Mr. Gluck states in seven essays his views on post-war reconstruction of the world economy. Conceding that there is little prospect for universal free trade, he nevertheless rejects defeatism and contends that "the first post-war years hold out a rare opportunity for a new departure." Believing that the reconstruction period will decide the world economy of the future, Mr. Gluck offers a plan for economic regionalism. He suggests six regions, each to be presided over by a Supreme Economic Council empowered to regulate trade and payments between member states of the group; and trade between regions would be controlled by the several councils acting coöperatively. In its assumption that a powerful economic organization of this type could operate effectively without the benefit of other forms of international coöperation, the plan overlooks the importance of political developments, and of power politics generally, in the economic relations of nations.

NORMAN L. HILL.

University of Nebraska.

Road to Peace and Freedom. BY IRVING BRANT. (Indianapolis and New York: Bobbs-Merrill Company. 1943. Pp. 278. \$2.00.)

Victory Without Peace. BY ROGER BURLINGAME AND ALDEN STEVENS. (New York: Harcourt, Brace and Company. 1944. Pp. 335. \$2.75.)

The first of these volumes is a meaty book. Its 278 pages cannot be read and digested in an afternoon. But it is a good investment of the time of anyone who is concerned about the kind of world we and our children shall live in after the war. The author is convinced that Americans will have a heavy responsibility for what it shall be. "To an extent for which there is no parallel in history, the world's future depends upon what the American

people decide to do about it" (p. 12). The choice is between inaction and drift leading to spiritual decay, war, and chaos on the one hand, and "planned determination to organize the future for peace, security, and good living"; and so fast are events moving, and so swift must decisions now be, the choice cannot be made in the accustomed leisurely way.

The basic premise of the book is that an organic change has taken place in the world due to the recent great technological advances, and that it has "destroyed the distinction between national and international affairs. . . ." From this starting point, the author, in succeeding chapters, ranges far and wide. He is perhaps most effective in his treatment of the revolutionary currents flowing in the world today, and his demonstration of the urgent need for their recognition and appraisal. The failure of Americans and their leaders to appreciate these world forces and bring our policies up to date is given special attention in chapters on "American Time Lags," "Our Chaotic Foreign Policy," and "President versus State Department." Some of the counts in the indictment of the State Department may seem too severe to readers conscious of the inherent difficulties of policy-making under the American political system, and also of the chronic isolationist temper of the American people.

Two chapters on "Terms of Peace" and "World Organization" contain proposals which follow logically from the author's preceding analysis. The peace terms should be severe enough to require restitution to nations and peoples whose lands have been stolen and whose liberties have been violated; and all necessary measures should be taken to prevent the enemy from using his resources for a future war of conquest. After this, reliance should be placed "on democratic and peaceable elements in the defeated countries to reshape national thought" (p. 230).

The second of the two books under review presents an old story told in a new way. It records in dramatic fashion the valiant but losing struggle of Woodrow Wilson to win a fair and durable peace for mankind after the victory of arms in the First World War. The historian or political scientist with expert knowledge of the period will find nothing new in this book, and if he is seeking a systematic treatment he will be disappointed. But if he wants the tale cast in the form of a moving drama, here it is, well done from beginning to end.

In the first scene, there is dramatic foreshadowing of things to come. The reader is admitted to a private "reconstructed" conversation between President Wilson and Colonel House in the President's study. It is 1917, several months after the entry of the United States into the war. The Colonel has hurried from the ship which has brought him from Europe to report to his chief how the war goes and what meaning Europeans attach to it, for Wilson wants it to be in reality a new kind of war leading to a new kind of peace. House reports that in liberal and labor circles, in Europe

at least, there is the aspiration that the war should have a higher purpose than that of the latest struggle of nations for power and empire, that it should be a war to end war, and to benefit humanity rather than enrich a few. Wilson has tried before to get the Allies, and indeed all peoples, to see the issues of the war in these terms. He is now stirred by fresh determination to make people see this. He moves to the typewriter, and the conversation ends. But eventually he is to spend his strength and exhaust his health in the cause.

In succeeding chapters dealing with the Peace Conference, and with the bitter fight against the President's foreign policy in general and the League of Nations in particular by the President's enemies and isolationist forces at home, the story unfolds. It ends with the brief and poignant address by Wilson, now broken in health but not entirely in spirit, on the porch of his home in Washington, where thousands of men and women had come to pay him homage.

The materials drawn upon by the authors for each chapter are carefully set forth in chapter notes at the end of the narrative. Although chief reliance has been placed on material in the collection of House papers made available by President Seymour of Yale University, the authors have obviously based their story on a wide consultation of the literature of the period and the use of the available documents. A brief, though adequate, bibliography is included.

FRANK M. RUSSELL.

University of California.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

A valuable contribution is made to what we know about judicial review by Oliver P. Field in *Judicial Review of Legislation in Ten Selected States* (Bureau of Government Research, Indiana University, 1943, pp. 81). This monograph summarizes certain aspects of unconstitutional legislation in Colorado, Illinois, Indiana, Massachusetts, Minnesota, New Hampshire, New York, North Dakota, South Dakota, and Wisconsin. Based upon an immense body of data collected at the University of Minnesota through a W.P.A. "white-collar" project, this study analyzes judicial review in these states from a purely statistical point of view. While Professor Field emphasizes the exploratory and limited character of this pioneering study, it does yield a number of significant generalizations. His statistics show, for example, that there is no close correlation between the party affiliations of the judges and their decisions on constitutional questions. Statutes were held invalid in 15 per cent of the cases in which the issue of

constitutionality was raised. Judicial review was more deeply rooted before 1900 than is commonly supposed; the peak in unconstitutional legislation was reached in these states at the turn of the century. It is shown that some 28 per cent of all cases holding legislation invalid involved questions about government (including officers, governmental structure, and relations between units and departments of government); 18 per cent dealt with the courts, 12 per cent with taxes, 18 per cent with business, 8 per cent with property, and 3 per cent with labor. Slightly less than 12 per cent of these cases were initiated by private corporations. Of all cases holding statutes unconstitutional, some 23 per cent were decided without the benefit of governmental representation. Only 16 per cent of these suits were started as actions for injunctions; 22 per cent were civil actions, 13 per cent were criminal actions, and 16 per cent were suits for mandamus. The average length of time elapsing between the enactment of the statute and its invalidation was 7 years, 6 months. Some 30 per cent of the invalid statutes were held to be in violation of state constitutional provisions dealing with legislative procedure and special and local laws. Some 16 per cent of the cases were decided by a divided court, and only 5½ per cent by a bare majority of the court. The lower court was reversed by the appellate court in about half of the cases holding statutes unconstitutional. It would seem that the most valuable contribution made by this study to our understanding of the operation of judicial review is in the field of judicial procedure. On this point Professor Field's monograph yields definite conclusions. He writes: "Constitutional litigation is a phase of private litigation under our common-law techniques and procedures. To leave it on this basis involves too much of the accidental and too little of the considered public interest or public policy. . . . Constitutionality is a public problem as well as a private problem." This monograph is required reading for all serious students of American public law.—DAVID FELLMAN.

In *The Movement for Municipal Home Rule in St. Louis* (University of Missouri Studies, 1943, pp. 138), the author, Thomas S. Barclay, explains that the inspiration for the treatise came from his contact with Professor Howard Lee McBain at Columbia University. The study is wholly historical, tracing the evolution of the long, unhappy relations of the city of St. Louis with the county and state governments down to the incorporation of the home rule charter provisions in the Missouri constitution of 1875. From the admission of Missouri to the Union in 1821, the city of St. Louis was the victim of an ever-increasing volume of special legislation, some of which was enacted almost every year at the behest of various pressure groups within the city. The situation was further complicated by the fact that a county government was superimposed upon the city government, which made the struggle for municipal home rule both long and

severe. The author rarely comments on the workings of the home rule system in Missouri subsequent to 1875. He does, however (p. 114), declare that there were so many ambiguous provisions in the home rule charter clauses of the constitution that the subsequent judicial interpretations of these provisions designed to subordinate the city to the state "were not altogether satisfactory." Most of the materials for the monograph were taken from the newspaper files of St. Louis and the debates of the constitutional convention of 1875. Sketches and portraits of the leaders in the struggle to free St. Louis from the county court and the ever-meddling state legislature are also included.—FRANK E. HORACK.

Shortly after the election authorizing the selection of delegates to a constitutional convention, the State-Wide Committee for the Revision of the Missouri Constitution made arrangements with various groups in the state to prepare, by factual research, materials needed by the convention. Dr. Martin L. Faust, of the University of Missouri, assumed responsibility on behalf of that institution for the coordination of the work which was undertaken by it and by qualified men in other educational institutions of the state and in the Bar Association. As a result, there was published a series of factual studies, *Manuals for the Constitutional Convention of Missouri* (University of Missouri, June-September, 1943). The eight studies, each of which is called a manual, deal with the organization of the convention, county government, federal-state relations, the executive, education, the legislature, bill of rights and suffrage and elections, and the amending process and the initiative and referendum. In so far as was possible, the contents of the studies follow somewhat the same pattern. The manuals contain excerpts from the journals of earlier constitutional conventions in Missouri and in other states (especially New York and Illinois) which indicate the consideration given to these topics on these previous occasions. Comparative analyses of the appropriate sections of current state constitutions have been compiled, and attention is drawn to the corresponding sections of the Model State Constitution. As indicated above, the studies are factual in character; no "plans" have been suggested. In the introductions and summaries, however, the authors point out problems and alternatives which the convention must face and determine. For example, in the manual on the executive it is stated that the convention will have to provide either for the freezing of the administrative departments in the constitution, for leaving them entirely to the subsequent action of the legislature, or for the use of an administrative code to stand somewhere between the constitutional provisions and a statute. Again, in the discussion of the organization and work of the convention it is shown very clearly that there is some definite correlation between the speed with which a convention is organized and the dispatch with which,

it completes its work and the favorable public consideration of its finished product. The subject-matter of these studies has been well chosen. Some of it serves to indicate the pitfalls in the past in convention organization and procedure, and some points to progressive trends in constitution-making. By and large, these manuals represent a very important piece of preliminary work of a pre-convention character which has been planned and carried out by persons not only familiar with details of constitutions, but also possessing a knowledge of the fundamental principles of constitutional law of the states.—WILLIAM H. COMBS.

A recent issue of the *University of Tennessee Record* is the "Proceedings of the Fourth Annual Southern Institute of Local Government" (1943, pp. 84). The Institute, held in Chattanooga in November, 1943, was attended by local officials and other interested persons from Tennessee and elsewhere, and formal addresses were made by several persons of national standing. One such address was delivered by Walter H. Heller, of the U. S. Treasury Department, on "The Coördination of Local, State, and Federal Revenue Systems." Of special interest is the recommendation of Mr. Heller regarding the establishment of a Federal-State Fiscal Authority to further coöperation between the two levels. The Institute is a praiseworthy undertaking and its proceedings are well worth publishing. Another recent issue of the *University of Tennessee Record* is Paul Barnett's "An Analysis of State Industrial Development Programs in Thirteen Southern States" (1944, pp. 60). This study deals with state advertisement and promotion in the Southern states from Virginia to Texas and Oklahoma. The heart of the monograph is composed of a brief analysis of the programs currently in progress in each of the thirteen Southern states. In his concluding chapter, the author attempts to summarize and evaluate the effectiveness of programs designed to bring new industries to the region. He concludes that carefully planned and adequately financed long-run industrial development programs offer promise of sufficient success to warrant their vigorous prosecution. He suggests research to discover resources, contact work to locate prospects, and modern methods of promotion and selling.—JOSEPH M. RAY.

Labor historians and trade unionists will find Howard L. Hurwitz' *Theodore Roosevelt and Labor in New York State, 1880-1890* (Columbia University Press, pp. 316, \$3.75) well worth serious consideration. Hurwitz has analyzed a mass of correspondence and other unpublished material and welded it into a compact, well-written history of organized labor in New York State. The study is primarily a scholarly effort to evaluate the relationships between Roosevelt and labor during his political career from assemblyman to the governorship. In doing this, Hurwitz provides, as well, a quite complete history of labor-management and labor-govern-

ment relationships. Hurwitz' cautious exposition of Roosevelt's philosophy on labor legislation and his attitude on the rôle which government should play in an economic conflict situation will interest the political scientist. The study is exhaustively documented and contains an excellent bibliography. The author succeeds in large measure in his effort to present a complete, unbiased picture of a man about whom most people have rather definite opinions one way or the other. It appears clear from Hurwitz' research that Roosevelt cannot be glibly catalogued as either "pro-labor," or "anti-labor." Although he never won the confidence of organized labor, he fought for improved factory working conditions and did much to eliminate the evil of "home work" in crowded tenements. On the other hand, he was quick to use police and troops to quell labor upheavals during his terms as police commissioner of New York City and as governor. He opposed wage and hour legislation and, for the most part, had little use for the leaders of organized labor. It is quite possible that Roosevelt's "economic royalist" background prevented him from studying the causes underlying the serious labor violence of this period. Students of Rooseveltiana will, of course, be particularly interested in Hurwitz' analysis, but his book may be read with great profit by all students of contemporary labor problems.—HAROLD W. DAVEY.

Students of the relationship between organized labor and government agencies should welcome Almont Lindsey's *The Pullman Strike* (University of Chicago Press, pp. 385, \$3.75) as an excellent study of the American Railway Union's famous nation-wide walk-out. Lindsey has analyzed the 1894 strike in all of its ramifications and has synthesized in temperate fashion a wealth of background material hitherto unexamined. The Pullman Company's experiment in paternalism is given considerable attention, and is shown to have been a prime factor in producing the strike. Many industries that practiced paternalism unwisely during the 1920's might have avoided some of their more serious errors if they had studied the dismal failure of Pullman's "company town." The chapters on the federal government's rôle in breaking the strike and the detailed treatment of the policies of various state governors and local government officials should prove of great interest to political scientists. The labor injunction's use against Eugene Debs and his cohorts and the activity of federal troops and state militia are carefully delineated. The author has done a thorough, scholarly job, and the study is well-documented throughout. Under present wartime conditions, when many in high places are urging the imposition of martial restrictions on organized labor, *The Pullman Strike* makes very pertinent reading. It shows clearly the long-run ineffectiveness of force as an instrument for quelling labor upheavals. Rather, one is led to the conclusion that an elimination of the conditions provoking labor's resort to pressure will have a more enduring and salu-

tary effect than the weapons of the past century, such as federal troops, state militia, and the labor injunction.—HAROLD W. DAVEY.

In *County Government in Illinois* (reprinted from Twenty-Third and Twenty-Fourth Annual Reports of the Illinois Tax Commission, Assessment Years 1941 and 1942, pp. 132), prepared for the Illinois Tax Commission, Clyde F. Snider has provided a survey of the legal basis, powers, and existing organization of the county in that state. The reason for the preparation of this monograph evidently limits it to an analysis of the existing law and, to some extent, existing practice. Hence, the presentation tends to be rather formal in character. The study is primarily descriptive, although at some points criticism of structure or practice is offered. After an interesting historical survey. Dr. Snider discusses with care and accuracy the legal nature of the county, the framework of government, county functions, and county finance. A final chapter is devoted to the forest preserve districts and the tuberculosis sanitarium districts. It is evident from this survey that Illinois suffers from the usual troubles of county government; non-integrated as to both structure and function, the county appears as a sort of hybrid Roman-Indian god with two faces peering in the opposite directions of increasing local functions and transfer of functions to the state, equipped with a multitude of arms and hands engaged in everything from the assumption of a purely contemplative pose to active manipulation of the cash-box.—LEE S. GREENE.

Of decided current interest to students of local administration is *Police Administration in an Indiana Defense Community* (Bureau of Government Research, Indiana University, pp. 52, free upon request), by John E. Stoner and Oliver P. Field. The study is one of a series devoted to an examination of the administrative services of the defense "boom town" of Charlestown, Indiana. The impact of the host of workers, with or without their families, upon communities chosen for munitions or for military or naval training establishments has strained the service facilities of communities throughout the country. This instance is believed typical of the situations created in smaller communities, for here the workers alone have exceeded the 1940 population of the entire county (31,020), and by more than thirty-fold that of the little municipality of Charlestown (939). Devoted to the specific problem of police administration, this study sets forth the normal police facilities of the community and the baffling burden placed upon them, together with the story of developing a coöperative and adequate force with which to meet the problem. The splendidly equipped and staffed state police system and the Federal Bureau of Investigation are shown to be major factors in developing and maintaining adequate law enforcement and crime prevention. The tabulation of arrests and types of offenses illustrates the efficacy of the program by the fact that the greater portion of these were of a type which might be termed "minor." If the

Charlestown experience is typical, the severe test of law-enforcement facilities in defense congested areas may result in notable improvement of police services in smaller communities in the post-war era.—DAVID WILBUR KNEPPER.

In *A Modern Foreign Policy for the United States* (Macmillan Co., 1944, pp. viii, 94, \$1.35), Joseph M. Jones, would have the United States participate wholeheartedly (with Britain, Russia, and China) in a "nucleus of world order," "protect and extend the principle of freedom in the world," "make adequate provision for international control over civil and military air power everywhere in the world," and "promote, wherever in the world it is desired, steady expansion of economic activity, a rising standard of living for the masses, and expanding programs of public education, health and nutrition as indispensable to democracy and peace." For these ends, he views the State Department as enmeshed in protocol and precedent, perpetuated by a staff of over-cautious, cynical compromisers (to whom conservatism is a prime virtue), out of touch with both Congress and American public opinion. Democracy everywhere is urged as a *sine qua non* of world peace, which must be "maintained in a vigorous, living, growing state, protected and extended in the world" (p. 14). "The moment is ours. . . . Our stockpile of moral prestige, precious and irreplaceable, will vanish quickly (one wonders how large it actually is) unless we cease treating with nations on the basis of expediency and adopt a modern foreign policy" (p. 33). The Postscript should have been incorporated into Chapters I and II for unified presentation of subject-matter.—W. LEON GODSHALL.

The Pittsburgh Housing Authority (Pennsylvania State College, 1943, pp. 86), by M. Nelson McGeary, is an account of the organization and activity of one of the country's most successful local public housing agencies during its first six years and gives a good picture of the evolution of policies and practices in pursuance of a relatively new governmental function. Out of discussion of various "differences of opinion" between the local housing authority and the United States Housing Authority (now the Federal Public Housing Authority), Mr. McGeary draws the conclusion that a desirable degree of autonomy for local authorities has not yet been achieved. The author infers that decentralization of authority always will be difficult while the federal government is a source of financial aid. He does not point out specifically, however, that the development of more local autonomy in public housing has been rendered difficult by the ownership and operation of housing by the supervising federal agency. In considering the author's aforementioned conclusion, it is encouraging to note that both FPHA and local housing authorities are well aware of the lack of balance of authority between them, and that continued progress toward greater local freedom is constantly being made.—EDMOND H. HOBEN.

Of a quality comparable with other recent studies on Alabama affairs is Hallie Farmer's *The Legislative Process in Alabama: Legislative Apportionment* (Bureau of Public Administration, University of Alabama, pp. iv, 40, free upon request.) This monograph reviews the principles and practices of legislative apportionment in the United States and analyzes the apportionment practices of Alabama down to 1940, including the picture reflected by the census data of that year. The author's use of population and finance data is particularly clear. Recent efforts for reapportionment and the outlook for the future are discussed in some detail, with the conclusion that the necessary shifts in state economy which serve to generate sentiment for changes in the status quo will be slow and subtle. This study should be of interest to students of state government in that the techniques described can be adapted to other states where the existence of legislative "rotten boroughs" will no doubt be revealed.—DAVID WILBUR KNEPPER.

"Where's the Money Coming From?" (Twentieth Century Fund, 1943, pp. ix, 179, \$1.00) is, of course, what everyone wants to know. Stuart Chase's little book with that title is the third in a series of six being published by the Twentieth Century Fund on the general theme, "When the War Ends." The glimpses afforded into the possible solutions of the problems of post-war finance are positively exciting. The style of Stuart Chase's writing, like "the testimony of the Lord, is sure, making wise the simple." And we might as well add—making simple the complex. Certainly his genius for exposition never fails in the fifteen chapters of this book. Some of the subjects considered are "Post-War Goals," "The Circuit Rolls," "Facing the National Debt," "When War Spending Stops," "Social Security," and many others, especially "Full Employment."—JOHN G. HERNDON.

In *Walter Clark: Fighting Judge* (University of North Carolina Press, pp. x, 278, 1944, \$3.00), Aubrey Lee Brooks, a North Carolina lawyer, offers a friendly and conventional biography of an unconventional judge, who was an associate justice and chief justice of the North Carolina supreme court for thirty-five years, ending in 1924. The fighting judge was a friend of men like the late Robert M. LaFollette and William E. Dodd. In election contests, he was bitterly opposed by corporation interests, particularly the American Tobacco Company and great railroad systems that crossed his state and his path. When he died, a railroad official was reported as saying: "I never attended a funeral with more pleasure." There is much in the book to justify the biographer's dedication, "To the Supreme Court of the United States, which now reflects the views of Walter Clark."—H. C. NIXON.

FOREIGN GOVERNMENT AND POLITICS

The Netherlands (University of California Press, 1943, pp. 464, \$5.00), edited by Bartholomew Landheer and made up of contributions by twenty-one authors, is a volume in the *United Nations Series* under the general editorship of Professor Robert J. Kerner, "dedicated to the task of mutual understanding among the Allies." A brief chapter on the geography of the Netherlands is followed by some chapters on the country's history (70 pp.), some on its political and constitutional development (57 pp.), several on economic and social matters (53 pp.), and finally some on various cultural aspects (93 pp.). A second part, largely following the outline of the first, deals with the Netherlands overseas territories (about 100 pp.), and two brief chapters on the Netherlands' rôle in the present war are presented before the ample bibliography and index. In reviewing a book of this type, all one can do—unless he were an expert on *all* the topics treated in the volume and had unlimited space—is to list the chapters and confine himself to a few very general observations. The articles on "Political and Constitutional Development" and "Political Parties," which, together with those on the country's history and economic and social structure, are of especial interest to the political scientist, are well worth reading, particularly the observations on the Dutch experience with proportional representation. On the other hand, the chapter on "Music" seems to be little more than an extended Who's Who. On the whole, however, the editor and authors have well accomplished their purpose of presenting an objective, informative, and readable volume on the Netherlands.—GERHARD KREBS.

The Studies in Nationality and Nationalism in Poland between the Two Wars, 1918-1939 (Polish Institute of Arts and Sciences in America, 1943, pp. 72) compiled by Konstanty Symonolewicz is a bibliographical survey reprinted from the Institute's *Quarterly Bulletin*. It is restricted to books and articles in Polish, Western European translations being noted. There is a section on nationality studies before World War I, but literature on the Jewish problem in Poland is not included. A commendable effort at classification has been made under the headings of legal, historical, prehistoric, anthropological, linguistic, ethnographic and ethnological, sociological, and general studies. Titles are translated in the text, with the full bibliographical reference reserved for the footnotes, which list well over a thousand studies.—E. C. HELMREICH.

INTERNATIONAL LAW AND RELATIONS

In its symposium on *Regionalism and World Organization* (American Council on Public Affairs, pp. 162, \$2.00 paper), the Institute on World Affairs provides the student with essays on various aspects of the problem

of regionalism and universalism by six European and three American students, all exceptionally well qualified—though for different reasons—to treat of the subjects which they discuss. The master-topic, the relationship between regionalism and universalism, is discussed first. This is followed by two papers emphasizing universal aspects of the problem, and then by four papers rather emphasizing regional solutions. Finally come two papers on population problems which are not very closely related to the main issue, but which explore with penetration and force the subject with which they deal. As a matter of fact, it is only in the four papers in Part III of this symposium that one finds any pretense of making a case for regionalism, and in at least one of these the considerations adverse to anything in the way of regional unions are stated with great acumen. On the other side, the case for universalism appears strong but strangely pointless—as though one should contend that peace and order are good things. What is needed is probably not a symposium on the subject, but an extended and thoroughgoing study of the conflicting ideas and factual considerations by one conscientious scholar. The crucial issues can be dealt with effectively only by close comparison of the results possible from a regionalist as against a universal treatment of certain definite international subjects: armaments, security, pacific settlement, mandates, minorities, health, drugs, child welfare, communications, trade, labor, and so on. These matters are touched upon by the authors in this collection, but only in a rather casual fashion. The problem still calls for further and more searching treatment.—PITMAN B. POTTER.

Twelve lectures on world affairs given at the University of California (Los Angeles), which clearly constituted an excellent series for the summer of 1942, have been edited by Professor Russell H. Fitzgibbon and published under the title, *Global Politics* (University of California Press, pp. xii, 189, \$2.50). In book form, and nearly two years after their delivery, these lectures by eleven political scientists, historians, educators, and a geographer present a rather miscellaneous aspect; two chapters deal with European problems, three with Western Hemisphere affairs, three with the Orient, and four with broader, global matters. Students of international organization will note that subsequent events have thus far unfolded more in harmony with the pragmatic expectations of Professor Fitzgibbon's lecture on "Union in the Americas" than in accord with the hope of Dr. C. H. Thurber ("The United Nations as the Nucleus of World Organization"), the brilliant historical interpretation by Professor M. W. Graham ("The Problem of World Federation"), or the able and instructive analysis by the former Czech diplomat, Vlastimil Kybal ("Economic Problems of the Planned Central Europe"). In this series, given under the auspices of the Institute of Political Geography, U.C.L.A., Kybal has

clearly illuminated the rôle of geographic factors in Central Europe; and Professor H. A. Steiner has delivered a cogent attack on geographical determinism in his lecture, "The Relation between Geography and Politics." Appropriately enough, geographic factors have been most fruitfully expounded by Professor J. O. M. Broek, of the geography department at Berkeley, in his comprehensive and penetrating studies, "The German School of Geopolitics" and "War and Postwar Problems of the Netherlands Indies." Professor D. W. Rowland has treated a number of "Latin-American Boundary Controversies," and Dean Buchanan has discussed Canadian geopolitical problems. Other lectures are: F. J. Klingberg, "Indian Nationalism"; Yu-Shan Han, "The Coming Order in Eastern Asia," and Lobanov-Rostovsky, "The New Map of Europe." The appended "Bibliography of Political Geography," containing over a hundred titles, appeared in the *Journal of Geography* for December, 1942.—H. SCHUYLER FOSTER, JR.

The monograph, *Intergovernmental Commodity Control Agreements* (International Labor Office, 1943, pp. lviii, 221, \$2.00 paper, \$3.00 cloth) will be welcome to students of government and international economics. It consists primarily of the complete texts of existing intergovernmental commodity control agreements covering wheat (1942), sugar (1937), tea (1938-43), Inter-American coffee (1940), tin (1942), and rubber (1934). Further documentary material of interest appears in the appendices; for example, extracts from reports and resolutions concerning commodity control adopted by international conferences and committees. The fifty-eight page introduction is a concise and rewarding analysis of international commodity control schemes and their problems. The evolution of such schemes ranges from the earlier private producer types designed to raise prices based on reference to prevailing market prices, to purely intergovernmental controls with increasing emphasis on buffer-stocks (independent of quotas) and ever-normal granary arrangements based on reference to the available supply. Theory, too, is changing along with practice. Official thinking reveals that international commodity regulation is now a generally accepted method for achieving certain ends. Two purposes seem agreed upon: to minimize short-term fluctuations of prices of primary products subject to unpredictable shifts in supply and demand; and to establish a long-range equilibrium between supply of, and demand for, these products, encouraging consumption at fair prices while safeguarding the conditions of work and life for the most efficient producers. Expansion of consumption and restriction of production; effective protection and representation of consumers as well as producers; the criterion of stable supply *and* fair price rather than current price alone; consideration for the over-all economic welfare of producing countries, including

security for labor; close coördination of commodity control with other anti-depression policies—these and other principles are partially imbedded in the latest agreements and partially the foundation for future practice. It is important, too, that governments are deemed to be the most suitable agencies for the realization of these enlarged purposes. The International Labor Organization here sets forth its suggestions, based partly on existing trends, partly on desirable developments for the future. It is an imposing contribution. The footnotes to this brief study contain the best bibliography the writer has seen.—RICHARD C. SNYDER.

With the publication of *Coöperative Organizations and Post-War Relief* (Montreal, pp. 173, \$1.00), the International Labour Office has made a notable contribution toward the much-discussed problems of post-armistice relief. There are many vexing problems which the United Nations, the UNRRA, and other organizations will have to solve. What are the total relief requirements of Europe and large areas in other continents? What are the particular requirements of specific countries and districts? How can these requirements be met? What machinery of distribution promises to be the most practicable? The book under review offers a valuable contribution to a solution of the latter two problems by suggesting the capacity of producers' coöperatives in North America, South America, and Australasia to supply food and clothing and the capacity of consumers' and producers' coöperatives in needy countries to distribute relief supplies. Part I outlines the political, social, and economic nature and characteristics of the world's coöperative movement on a local, national, and international plane. Particular care is taken to stress the democratic nature of its functions and procedures as compared with free, cartellized, and state-capitalistic enterprise. Both vertical and horizontal developments of the movement are described. Part II surveys coöperative organizations throughout the world, distinguishing sharply between urban and rural types. Part III examines the possible rôle of coöperative organizations in the immediate post-armistice problem of relief. The vast distributive network and the storage facilities in Europe and the coöperative sources of supply outside Europe are discussed. Two points of comment are appropriate. As far as the book consists of a survey of the world's coöperative movement, it probably represents as good a piece of work as can be done under present circumstances. Nevertheless, much of the information will be obsolete or incomplete by the time fighting has come to an end. The loss of storage and distributive facilities and of personnel is likely to be much greater than assumed, although there will be vast differences from country to country. On the other hand, contrary to widespread assumption, the absorption of consumers' coöperatives in Germany and Austria by the Labor Front is not coincident with their destruction.

As far as the coöperatives' possible rôle in post-armistice relief work is concerned, the report is somewhat unsatisfactory. To be sure, the drafting of blueprints is an idle undertaking in view of the uncertainties of the present and the future. But it would have been possible and desirable to outline more specific ways and means by which coöperative organizations could be utilized for the purpose, and functionally co-ordinated with other public and private organizations. Such coördination has been established by the rationing and distributing systems in several countries of continental Europe, and it seems clear that these integrated systems can be best adapted to the purposes of relief. The value of the contribution coöperatives can make in this respect varies with the density of coöperative undertakings in different countries. In a fourth part, to be published later, the ILO plans to examine the rôle coöperative organizations might play in post-war rehabilitation.—K. E. KNORR.

Most recent books on Latin America have either been "inside" stories of book-manufacturing tourists or more serious accounts of correspondents and newspaper men. In either case, the pressures of the world crisis and the claims of American interests have led to an over-emphasis of the political and economic aspects of the problem of inter-American relations. For this reason, a volume on *Inter-American Intellectual Exchange* (Institute of Latin-American Studies, University of Texas, 1943, pp. 188, no price) will be received with great interest and pleasure by all students of inter-American affairs. The University of Texas is doing more for the development of Latin-American studies in this country than any other institution, and can be proud of having produced this work, which not only is rich in contents, but is also well printed and contains some beautiful reproductions of Latin-American art. The value of this symposium is enhanced by the fact that the contributors include some of the most distinguished names in North and South America. The first part deals with the historical evolution of intellectual exchange in the Americas. Professor Inman's introductory essay in this section is a little masterpiece in itself. Part II deals with philosophy and science. The main article is contributed by Professor Frondizi, an Argentine philosopher. In his discussion of "Tendencies in Contemporary Latin-American Philosophy," he emphasizes particularly the philosophical ideas and movements in Argentina and Mexico, the two Latin-American nations in which the study of philosophy has found its most mature development. Names like José Vasconcelos or Alejandro Korn are of interest to students of politics because a good deal of the conflict of political ideologies is carried on in philosophical terms by the dominant schools of positivism, neo-Thomism, and idealism. Part III takes up the reasons for the need of cultural understanding between the Americas. Part IV is of paramount interest, as it discusses his-

tory and the teaching of history north and south of the Rio Grande as a vehicle of intellectual interchange. All in all, the volume has real interest for anyone who thinks of inter-American relations in broader terms than as a mere phase of United States foreign policy.—WILLIAM EBENSTEIN.

Textbooks at the undergraduate level ordinarily tell in an unexciting fashion the salient facts about some more or less arbitrarily defined segment of human knowledge. This is perfectly acceptable in the case of the familiar major divisions of the traditional disciplines. When, however, a textbook appears on *Pan-American Economics* (John Wiley and Sons, 1943, pp. v, 479, \$3.50), by Paul R. Olson and C. Addison Hickman, it is fair to ask whether this is a legitimate subdivision of undergraduate instruction. Is it a precursor of textbooks on "Pan-American Political Science," "Pan-American Education," or "Pan-American Entomology"? The college sophomore's ignorance of things Latin American is so great that a work as specialized as Olson and Hickman's seems ill-designed to make up for the deficiency. For the advanced student, on the other hand, who possesses the historical and geographical knowledge to cope with Latin-American economic problems, the present work is too diffuse and too elementary. This volume is a competent compilation of the data available in English on the foreign trade of Latin America, the future of foreign capital investment in the area, and the prospects for an intensified economic relationship between the area and the United States. The volume is almost wholly descriptive. In fairness to the authors, it should be said that they specifically disclaim advocacy of policy based solely on the economic data presented. Perhaps they thereby recognize the unreality of a program of systematic instruction within the limits here set. The field is at once too broad and too narrow, too broad because of the heterogeneous character of the data, too narrow because the data do not of themselves provide the solution to any problem. A bibliography of thirty pages contains reference to no works in Spanish and to only two in Portuguese, both statistical atlases. From the pedagogical point of view, an attractive feature of the book is the inclusion of many clear and informative charts, and from the reference point of view, the statistical appendices enhance the publication's value.—WILLIAM T. R. FOX.

American Military Government of Occupied Germany (Washington: Government Printing Office, 1943, pp. 365, \$0.40) provides information on American and Allied military administration in the Rhineland after the First World War, as well as related material on German and international affairs during the Armistice period. Despite a weak literary style and organization, the report presents valuable data. Although unprepared for civil administration, the American Third Army entered the Southern Rhineland to enforce the Armistice on Germany and to insure her signa-

ture of the peace to follow. No officers with industrial experience, and few with legal training, were attached to this Army. "In all this force, with the exception of perhaps a half-dozen men, there was probably no one who had the faintest conception of the German governmental system. . . . The Second Section of the General Staff . . . prepared a pamphlet dealing with this subject, but its material was antiquated and its treatment inadequate . . . this pamphlet . . . constituted for both staff and unit commanders their sole source of information in regard to the government" (p. 65). Realizing that "an occupying army in a defeated country is making history which is bound to be written" (p. 100), we imposed military government in the spirit of Army General Order 100 (1863). The report decries America's small financial profit from the occupation, and suggests its abandonment. Fear of Bolshevism, and evidence of its strength in Germany, is emphasized. Originally, our civil affairs officers served with tactical units; later, they were given territorial assignments and placed under command of the Officer in Charge of Civil affairs of the Third Army. This territorial administration exactly paralleled existing levels of local government, and provided effective control over the German imperial bureaucracy, which was retained in office. "The German conception of civil government, moreover, is itself a military one. All officials are primarily concerned with transmitting the orders of the central government, and exercising such supervision as is necessary to assure their execution. Important officials are appointed by Berlin and their tenure does not in any way depend on local popularity" (p. 276). The military government had under its supervision and control all local government and administration, besides duties imposed by the sixteen Armistice commissions, by military command or necessity. A chapter on Allied practices and German government in Belgium provides comparisons. The British, French, and Belgian governments of occupation contained economic sections charged with promoting export trade to Germany. France had a section for propaganda and the press. Belgian local administration was supervised by German civil servants acting under the Governor-General. Although the American military government was guided on general principles by Marshal Foch and the Armistice commissions, it found itself at variance with French and Belgian policies aimed at retarding German industrial reconstruction and export trade. Ample evidence of French support for the abortive Rhenish separatist movement of Dr. Dorten is provided. America's military experience in civil affairs during the watch on the Rhine should prove valuable in meeting similar responsibilities again.—JOHN M. SELIG.

Economic problems have played an important part in military occupation in the present war, and will be of increasing importance as more

territory is occupied. In *Economics of Military Occupation* (Foundation Press, 1944, pp. xii, 141, \$1.25), Henry S. Bloch and Bert F. Hoselitz point out the importance of economic questions in military occupation, the practices and policies of both the Allies and the Axis, and the problems we will meet as we occupy the Axis countries themselves and also countries which the Axis forces have overrun and occupied; and finally they evaluate the results and effectiveness of various policies. Military currency, exchange rates, banking, taxation, price control and rationing, and production control are considered. Some of these problems arise in any war economy, but the authors are concerned with them as they arise under military occupation. The economic techniques used by the Axis to exploit occupied areas, often under some guise or cloak of legality, will make the task more difficult. Restoring the economy of the area and carrying out our economic policies are complicated by what the Axis has already done in the areas they have occupied. Much of the discussion in the volume is of questions and policies which will be decided by higher authority rather than by the officer in the field. Those at the higher level should find the book useful in pointing out alternative policies and the probable effects of each. The book should be read also by officers who serve in lower administrative positions, since it will give them a better understanding of the policies they are called upon to administer. The material is well organized, the problems are clearly presented, and the judgments expressed are sound.—CHARLES M. KNEIER.

Eight paper-bound pamphlets are included in the series of occasional papers entitled *Administration of Relief Abroad* (Russell Sage Foundation, 1943, \$0.20 each), edited by Donald S. Howard. The papers are intended to offer those interested in planning and administering relief abroad a digest of pertinent material obtained, with one exception, from experiences resulting from World War I. For example, one paper, written by James L. Barton, is entitled, *The Near East Relief, 1915-1930*; another written by Henry P. Davison, *The American Red Cross in the Great War, 1917-1919*. Illustrative of the questions raised in the administration of foreign relief and requiring administrative decisions were: If there is a limited amount of materials, what groups of persons should be helped? What adaptations to the culture of the area are desirable and necessary? What use can and should be made of local personnel? What standards of life should govern the distribution of goods? What relations are desirable between private relief organizations and the armies of the various countries? These and many other problems confront Herbert A. Lehman, director, and the staff of the United Nations Relief and Rehabilitation Administration, which had its first meeting with representatives of forty-four countries at Atlantic City in November, 1943, at which time many fundamental initial

policies were agreed upon. This set of pamphlets should be helpful to those concerned with the colossal job of administering relief and rehabilitation for millions of homeless and distressed individuals.—HELEN I. CLARKE.

In *Building for Peace at Home and Abroad* (Harper and Brothers, pp. 240, \$2.50), Maxwell S. Stewart has summarized many significant programs, drawn up by experts, to achieve two practical goals: the providing of jobs for all Americans who want to work after the war, and the prevention of World War III. As associate editor of *The Nation* and editor of *The Public Affairs Pamphlets*, the author is well qualified to select pertinent material and present it effectively. After reviewing chaos at home and abroad as caused by economic maladjustment and war (six chapters), the author considers (1) food for the hungry, all over the world, and (2) jobs to be done at home which should provide for all Americans adequate shelter, clothing, health, and education. These goals, he believes, can be achieved through the production of delayed goods, new industrial output, renewed foreign trade, and public works to employ everyone else. In Chapter XII, the question "How Can We Pay the Bill?" is answered in terms of an enlightened tax program, free from political pressures, which will stimulate business activity and general prosperity. If our national income is maintained at a high level, he sees no danger in a national debt of even 250 billion dollars. Chapters XIII–XVI develop the importance of world economic reconstruction and the necessity for world organization to keep the peace among nations. Chapter XVII, "What You Can Do," concludes the discussion with the familiar admonition that Americans must assume the responsibilities of democracy by becoming informed and concerned about domestic and international programs for a peaceful, prosperous world. Citizens must use the ballot intelligently to avoid losing the peace. Many pictographs emphasize the inextricable relationship between domestic and international problems and their satisfactory solutions. More than seventy titles are listed as reference materials. In the appendices, six quotations support the thesis that post-war reconstruction must be largely under governmental direction and in close connection with world rehabilitation.—MONA FLETCHER.

Proceeding from the sound premise that the failure of the League of Nations "was not so much the fault of the machinery . . . as it was of the people . . . who had to make the machinery work," Philip Curtin Nash, in *An Adventure in World Order* (Beacon Press, 1944, pp. x, 139), proposes certain procedural and jurisdictional innovations calculated to be more effective. The United Nations Constitution establishes a "capital" wherein may be located "powerful radio receiving and sending apparatus, airplanes, their fields and hangars, troops, military equipment," and other

needed facilities for carrying out United Nations' purposes. An "Executive Board" supplements an Assembly of about 270 (presumably elective) and an appointive Council of one member from each nation. A secretariat, a court, a police force, the International Labor Organization, and numerous special commissions are provided. The style of writing is direct and simple—sometimes too simple, *e.g.*, "the United States wanted to duck out of the mess, never get entangled again, and let Europe stew in her own juice" (p. 5), and "every isolationist Senator will raise a terrible protest" (p. 68). Appendices comprise the Four Freedoms, Atlantic Charter, Fulbright Resolution, Catholic, Jewish, and Protestant Declaration of World Peace, Moscow Statement, Connally Resolution, Teheran Declaration, and Address of Pope Pius XII on Christmas Eve, 1943.—W. LEON GODSHALL.

Denna F. Fleming's *While America Slept* (Nashville, Tenn.: Abingdon-Cokesbury Press, 1944, pp. 269, \$2.00) consists of a series of weekly radio addresses on current problems of American foreign relations delivered in the period from May, 1940, to December, 1941. Interspersed between the lectures are short paragraphs recounting the significant events of the time. The purpose of the addresses, as indicated by the author in the preface, was "to portray the forces which were driving us to war against our will and to describe our stake in this conflict." Mr. Fleming's position was that the Axis states were bent on world conquest, that isolation for America was impossible, and that it was vital to our own interests to support victims of Axis aggression. This theme runs through the book, thus binding together what otherwise might have been a disconnected series of lectures. The author's method was to analyze selected pending issues—such as the enactment of the Lend-Lease Bill—or to cite and refute arguments of such men as Wheeler, Lindbergh, and Hoover. The book has three primary values. It aids the reader to recapture the spirit of the "greatest debate in our history." It renews belief in the inevitability and necessity of American participation in the war, and consequently inspires continued vigorous support of the war effort. And it provides an analysis of the lasting principles on which world order and the American relationship to it should be based.—VERNON VAN DYKE.

In the "war-time edition" of *Union Now* (Federal Union, 1943, pp. xx, 271, \$0.35), Clarence K. Streit continues, none too hopefully, his crusade on behalf of world government. The content is little changed from the "concise edition" of 1940. New materials include two concluding sections in which the author notes the improving military position of the United Nations and urges the immediate creation of a federation by ten democracies, chiefly Anglo-American, situated in the North Atlantic area. Such a federation should be expanded, as circumstances permit, to include other

nations. In a new introduction, it is bluntly stated that the democracies are not now following a road toward peace. Let the people understand the ominous truth: "Victory must be disastrous if it is victory really for the anarchy of national sovereignty among the democracies." Streit's plan may be the most satisfactory approach toward peace; it is likewise the most revolutionary. And, thus far, signs of revolutionary forces have not been impressive.—G. LEIGHTON LAFUZE.

Lord Hailey's essay, *The Future of Colonial Peoples* (Princeton University Press, 1944, pp. 62, \$1.00), deserves attention because it was written, at a strategic moment, by a prominent member of Britain's older generation of overseas administrators. Lord (then Sir Malcolm) Hailey first went to India in 1895 as junior member of the Punjab Commission. When he left the post of governor of the United Provinces in 1934, he declared: "I have all my life followed what I believe to be the liberal tradition in politics." In the later 1930's he directed the monumental "African Survey," a thorough "study of problems arising in Africa south of the Sahara." *The Future of Colonial Peoples* discusses various techniques of colonial government and what the author considers the advantages of the British system over the systems of other nations (France, Belgium, Holland, Portugal, and the United States). The slender volume may be taken as a non-official answer to the British war-time critics of British colonial rule. Whereas it does not mention the critics by name, it does not altogether deny the validity of their arguments, and it ends by cautiously advocating a slow evolution toward more self-government and by admonishing the colonial peoples to become worthy of it. The casual, detached tone and the absence of attempts to deny or to apologize for the shortcomings of colonial rule indicate the author's belief that there will be few fundamental changes in the political and governmental structure of the colonies within the near future.—HANS ERNEST FRIED.

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POLITICS AND ETHICS

JOHN H. HALLOWELL

Duke University

In a recent article in this REVIEW, a social anthropologist, Professor W. F. Whyte, challenges American political scientists to "leave ethics to the philosophers and concern themselves primarily with a description and analysis of political behavior."¹ Only in this way, the author contends, can the study of politics become truly scientific and not only justify its name but fulfill its function as an important body of knowledge. The challenge presented is not a new, but a vital, one with which all political scientists must inevitably be concerned. For in the answer to it is involved not only the fate of political science as a significant body of knowledge, but, conceivably as well, the very nature of the political behavior that Whyte challenges us to describe with an objectivity divorced from all judgments of value.

In recent times, the point of view urged by Whyte has been perhaps most notably embodied in the writings of Pareto.² But many eminent American political scientists have seriously probed the problem of methodology in politics³ and have arrived at conclusions

¹ "A Challenge to Political Scientists," in the issue of Aug., 1943, at p. 697.

² *The Mind and Society* (1935). See also L. J. Henderson, *Pareto's General Sociology* (1935).

³ See, for example, Munroe Smith, "The Domain of Political Science," *Political Science Quarterly* (Mar., 1886), pp. 1-9; L. S. Rowe, "Problems of Political Science," *Annals of the American Academy of Political and Social Science* (Sept., 1897), pp. 165-186; C. E. Merriam, "The Present State of the Study of Politics," in this REVIEW (May, 1921), pp. 173-185; H. J. Ford, "The Scope of Political Science," *Proceedings of the American Political Science Association*, II (1905), pp. 198-207; J. A. Fairlie, "Politics and Science," *Scientific Monthly* (Jan., 1924), pp. 18-37; H. E. Barnes, *The History and Prospects of the Social Sciences* (1925); S. A. Rice, *Quantitative Methods in Politics* (1928); H. D. Lasswell, *Psychopathology and Politics* (1930); H. D. Lasswell, *Politics: Who Gets What, When, How?* (1936); C. E. Merriam, *Political Power: Its Composition and Incidence* (1934); S. A. Rice (ed.), *Methods in*

similar to those urged upon us again by the author of this more recent challenge. Although they may have failed to achieve the "objectivity" which Whyte believes requisite to a "true" science of politics, American political scientists, particularly since the turn of the century, have become increasingly positivistic, not only in their methodological thinking, but in their descriptive studies.

Writing in 1928, for example, William B. Munro declared: "Political science, to become a science, should first of all obtain a decree of divorce from the philosophers, the lawyers, and the psychologists with whom it has long been in the status of a polygamous companionate marriage to the detriment of its own quest for truth."⁴ And in the same year Stuart Rice was urging political scientists to leave philosophy to the philosophers and to concentrate their attention upon a description of the techniques and procedures of politics, particularly those which could be described and analyzed statistically. A political science that failed to do so, Rice insisted, could never be a true science of government, for inevitably it would lead to "a confusion of ends or values with means."⁵

Many others, too numerous to mention (or too well known to political scientists to require mention), had reached, or have since reached, the same or similar conclusions. Perhaps most representative of the point of view that insists that the study of politics can be or become scientific only when the study of means is divorced sharply from a consideration of ends is G. E. G. Catlin's *Science and Method of Politics*. In this book Catlin has urged upon political scientists the adoption of the fiction of "political man" in order that they might achieve an understanding of politics comparable to that which, Catlin insists, the economist achieves of economic activity through the use of the fiction of "economic man." Reasoning from analogy with the natural sciences, Catlin insists that it is no more the function of the political scientist to evaluate the good or bad consequences of particular techniques than it is the function of the chemist, *qua* chemist, to pass ethical judgments upon the use which other men make of chemical knowledge and skill. "It is

Social Science; A Case Book (1931); C. J. Friedrich, *Constitutional Government and Democracy* (1941), particularly Chap. 25. This list is by no means exhaustive, but serves to indicate that the problem of methodology has not been neglected.

⁴ W. B. Munro, "Physics and Politics—An Old Analogy Revised," in this *Review* (1928), Vol. 22, pp. 1-11.

⁵ S. A. Rice, *Quantitative Methods in Politics* (1928), p. 14.

not for the chemist," he has declared, "to delay his discoveries by considering whether men will put them to use in the preparation of healing drugs or in the manufacture of destructive bombs. His discoveries at least are a way to better things for those who will so use them. So too here; a political science is desirable in itself. If there be such a science, it may be expected to show us what will result from what, but it cannot be expected to tell us whether the results will be good. It is for the use of both the wicked and the virtuous, of the just and the unjust."⁶

Many American political scientists have reached this same conclusion and are actively seeking to develop new concepts and research techniques with which to implement their methodological conclusions. Many, therefore, will be surprised to be challenged to do what, in their opinion, they are already doing or seeking to do. As a consequence, the challenge latent in Whyte's argument is not, as I see it, a challenge to become more scientific, but rather a challenge to reexamine the methodological conclusions many of us have already accepted as valid. Are we right in believing that the study of politics can or should be approached with a "scientific" detachment divorced from all ethical considerations? Have we been traveling the right road in seeking to "emancipate" ourselves from history, philosophy, law, and ethics? Is the kind of truth which we seek as political scientists so specialized and particular that we neither require nor can use insights provided by historians, students of legal history or theory, or philosophers?

That some of us have serious doubts as to the wisdom of our former preoccupation with politics as a political process to be examined with an a-moral, "scientific" detachment is attested by the fact—which Whyte notes with regret—that "when the American form of government and our democratic way of life hang in the balance of armed conflict, the political scientist feels impelled more than ever to the defense of these values. He writes volumes to defend our system and to attack the systems of our enemies. He writes political philosophy and political ethics—just plain politics is forgotten."⁷

Undoubtedly the emergence of fascism and our participation in a war which most of us regard as involving issues that may, in part at least, decide our future destiny as individuals, as a nation,

⁶ G. E. G. Catlin, *Science and Method of Politics* (1927), pp. 347-348.

⁷ Whyte, *op. cit.*, p. 692.

and as scholars, have focused our attention, as it has never been focused in recent years, upon the values of the democratic way of life. To the charge of defending democracy and the values associated with it, most of us must plead guilty. Does that self-confessed "guilt" mean that as political scientists we have betrayed our obligations as scientific observers of the political process? Does it mean that in doing so we have expressed judgments which, as political scientists, we have no valid or proper right to make? Or does it mean, possibly, that we are no longer as convinced as we once were that our essential purpose is the a-moral description and analysis of political behavior?

II

The notion that the study of politics can be objective and truly scientific only when students of politics abandon every effort to describe political behavior or processes qualitatively springs from an empirical, positivistic perspective that became dominant in the latter half of the nineteenth century. For, during the nineteenth century the physical sciences achieved a prestige never before accorded them. By stimulating inventions, by improving the methods of production, by adding greatly to the physical stature of man and to his technological skill, the physical sciences added greatly to the material prosperity, comfort, and security of an ever-increasing number of people. To many, the practical application of scientific discoveries seemed to herald the dawn of the millennium. Where formerly men looked to God and religion for salvation, they now looked to science and technology.⁸ The promise of an earthly utopia was substituted for the promise of eternal spiritual salvation as an aspiration worthy of men's efforts. The method had been found; paradise on earth waited only upon the proper execution of the plan to be discovered in the truths and methods of science.

Science soon became enthroned as the final arbiter of truth and value, occupying a position similar to that occupied by theology in the Middle Ages. Men now turned to science for understanding and salvation, as in the Middle Ages they turned to theology and to the Church. Technical efficiency and mechanical certainty became the ideals of the nineteenth century, and they were the ideals, not only of the scientists, but of the socially dominant, satiated bourgeoisie, whose primary desires, unlike those of their seven-

⁸ For an excellent analysis, see Paul Tillich, *The Religious Situation* (1932).

teenth-century, revolutionary progenitors, were for certainty, security, and stability.

In retrospect at least, it appears inevitable that students of social phenomena should have turned with eagerness to methods that appeared to yield predictability, certainty, and security. Hoping to achieve for the study of human phenomena the same calculable certainty that seemed to characterize the physical sciences, students of social phenomena accepted with eagerness the perspective of empiricism and positivism.

Since the principle of causation, in which nineteenth-century science was rooted, had apparently succeeded so admirably in aiding the physical scientist to understand the physical universe, the application of a similar idea of causation to the study of human phenomena seemed likely to yield comparable results. The experimental method, based on empiricism and the inductive logic inherited from Aristotle and Bacon, were the tools with which the scientist sought to examine the operation of the universe. Premised upon the belief that the universe is a rational whole, in the sense that it can be rationally understood, and that "every detailed occurrence can be correlated with its antecedents in a perfectly definite manner, exemplifying general principles,"⁹ nineteenth-century science led men to believe that by empirical methods alone they could discover "positive facts" and "universal laws" about all phenomena, human as well as physical. Endeavoring to repudiate the search for "final causes," the scientist tried to content himself with the "pure" description of empirically observable "facts."

With the increasing emphasis upon empiricism, less and less attention was given to metaphysical problems. Men began to ask "how" more frequently than "why." In fact, some scientists contended that they had eliminated metaphysical problems completely by rendering them meaningless. The effect of this trend towards positivism was to undermine all belief in transcendental truth and value. Value judgments were considered to be expressions of subjective preference rather than of objective truth. At best, judgments of right and wrong, good and bad, justice and injustice, were thought to be based upon utility or expediency. The student of social phenomena who accepted the perspective of positivism, if he were to emulate his brethren among the physical scientists, had

⁹ A. N. Whitehead, *Science and the Modern World* (1925), p. 6.

necessarily to abandon the notion of value as objective truth. To evaluate was to be unscientific; truth was simply that which could be described inductively from the empirical observation of successive events.

Now positivism is an attitude growing out of the methodology of the physical sciences; but it is not necessarily synonymous with scientific method. It depends upon how you define the method of science. Positivism has been described by Guido de Ruggiero as "a philosophical tendency oriented around natural science and striving for a unified view of the world of phenomena, both physical and human, through the application of the methods and the extension of the results whereby the natural sciences have attained their unrivaled position in the modern world." It "calls 'positive' the facts and things of immediate perception as well as the relations and uniformities which thought may discover without transcending experience," and it regards as metaphysical "every inquiry which claims to go beyond the sphere of the empirical and seeks either hidden essences behind phenomenal appearances or ultimate efficient and final causes behind things, as well as any attempt to attribute reality to species, ideas, concepts, or the mind's logical 'intentions' in general."¹⁰

Now in challenging American political scientists to accept the perspective of positivism, Professor Whyte is simply urging them to retain a perspective which a great many of them have already accepted. His challenge does raise the question, however, whether the perspective of positivism is a sufficiently adequate one from which to observe and understand political phenomena, and whether by ruling out values as objective truths it automatically eliminates much that is pertinent, if not essential, to the understanding of any political process or behavior.

III

The adequacy of positivism as the most valid perspective in which to achieve a description and understanding of any phenomena, physical or social, must depend upon its ability to do what it claims to do. Now the positivist is most adamant in his insistence that metaphysical speculation can play no valid rôle in the description or understanding of any phenomena. It may be pointed out,

¹⁰ Guido de Ruggiero, "Positivism," *Encyclopedia of the Social Sciences*, Vol. 12, p. 260.

however, that the positivist does, in fact, and necessarily so, engage in metaphysical speculation, and that he assumes premises which are essentially beyond empirical proof or demonstration. It is equally significant, however, that he denies this and acts as though it were not so.

That the positivist does engage in metaphysical speculation is demonstrated by the fact that he starts from assumptions neither derived nor derivable from sense perception. He starts, as Whitehead has demonstrated, from "an instinctive faith that there is an Order of Nature which can be traced in every detailed occurrence", and tends to believe that the reason for his faith is the "apprehension of its truth."¹¹ But, as Whitehead cautions, "the formation of a general idea—such as the idea of the Order of Nature—and the grasp of its importance and the observation of its exemplification in a variety of occasions are by no means the necessary consequences of the truth of the idea in question."¹² The world as the positivist sees it "exhibits . . . an involution of paths and a concatenation of circumstances which have arisen entirely by chance. We can describe what has happened, but with that description all possibility of knowledge ends."¹³ To claim truth for this description, the positivist must transcend sense perception and empiricism. As T. E. Jessop succinctly put it: "To retain . . . the distinction of truth and falsity *even for science alone* we have to enlarge the scientific world, and in enlarging it to modify it deeply, for what is added is not something of the same order but something different in kind, not having even an analogy with the rest. Knowing, the process that has to other events the unique relation of apprehending them, is above the causal order, in the sense that, although in it, it also knows it. Science as knowing transcends the scientific world; its claim to be true lifts it above the type of order its content depicts. Deny the claim and the content is worthless; admit the claim and the content is set in a larger context. Science can explain things naturally, but never itself. It cannot be true in a purely scientific world."¹⁴ It is only by transcending its own method that science achieves meaning, and the positivist can ascribe mean-

¹¹ A. N. Whitehead, *Science and the Modern World* (1925), p. 6.

¹² *Ibid.*, p. 6.

¹³ A. N. Whitehead, *Adventures of Ideas* (1933), p. 157.

¹⁴ T. E. Jessop, "The Scientific Account of Man," in T. E. Jessop *et al.*, *The Christian Understanding of Man* (1938), p. 40.

ing to his own observations only by engaging in the kind of speculation he denounces as improper.

That the positivist cannot avoid metaphysical speculation is illustrated by the principle of causation. As Hume pointed out long ago, the scientific notion of cause and effect achieves meaning only by transcending the empirical experience of what is called cause and effect. All that anyone can say by relying upon empirical observation alone is that one event precedes another, or that one event follows another. The moment the observer labels one of these events the cause and the other the effect, he is indulging in speculation which is essentially beyond empirical observation or proof. No one has ever *seen* one thing cause another; he has only inferred a causal connection. And, at best, contemporary scientists insist, the inference that one thing will follow another (however innumerable the observations of such events) rests not upon certainty but upon probability.

The problem of causation is further complicated, whether we are dealing with physical or political events, when, as is usually the case, we are dealing with situations in which there is a whole chain of events. Given a series of events, both successive and contemporaneous, how can we properly extract one, calling it the cause, and another, calling it the effect?¹⁵ Simply to list the events in chronological order of occurrence, even if possible, would probably not succeed in giving us any clue whatsoever as to their causal connectedness. It would appear that we should require some knowledge about the entire context in which the particular events occurred, and that such an understanding could not be acquired simply by the empirical observation of successive events.

But even if the principle of causation is no longer regarded as a fundamental element of the positivistic perspective, as some now declare, there are other difficulties with a method that rules out value judgments as irrelevant or improper to "objective" description and understanding. That the positivist does in fact engage

¹⁵ A boy gets his feet wet in the rain, he sits all day in school with wet stockings, and is kept after school by the teacher for a breach of discipline. He develops a cold which his mother neglects. Finally he comes down with pneumonia and his mother calls the doctor. The doctor is busy with another patient and arrives several hours after being called. He administers drugs, but the child dies. What is the *cause* of the child's death? The physician has a ready answer, but it is not one which satisfies the mother's conscience. She thinks her neglect is the cause of the death, and the teacher is not certain but that she is responsible. Or is the boy himself responsible? Where in such a chain of events do the cause and the effect lie?

in making value judgments is as significant as is his claim that he does nothing of the kind. By denying that he makes value judgments, he obscures by that device the judgments he does, in fact, make and forces himself to accept uncritically and tacitly judgments that he often obscures even from himself.

The positivist insists that he is concerned only with "facts" and with the stubborn "reality" of the "world of fact." Now it can easily be demonstrated that the most detached observer actually does something more than record "facts" that are brought to his attention by means of his sense organs. That thought involves a great deal more than the mere sensory awareness of one's physical and social environment is obvious to anyone who thinks; but even perception itself involves selection and choice. Of necessity, perception demands the ordering of sensory data into some meaningful pattern. No individual, however detached or however dedicated to the concepts and methods of science, is equally aware of all the possible data that may be brought to his attention by means of his sense organs. If he were, he would *perceive* nothing, since his environment would appear as a chaos of sensations, unintelligible and meaningless.

The recognition of facts requires not only sensory awareness but judgments as to value and significance. As a matter of fact, it is only by fitting the data made available to him by his senses into some preformulated conceptual scheme that the individual is able to perceive facts at all. Actually, then, when the positivist insists that to be properly scientific we must confine ourselves to a description of "positive facts" that can be observed without transcending our immediate sensory experience, he is insisting upon the impossible.

The physical scientist, whom the positivist urges the social scientist to emulate, is engaged in making value judgments daily: when he decides to investigate one problem rather than others; when he decides to use one kind of apparatus for experimental purposes rather than other kinds; when he uses various kinds of standards such as mathematical accuracy, skill in handling equipment, or logical consistency, to test his own conclusions or those of others; when he decides to reject a hypothesis or to formulate a new one; when, as a matter of fact, he chooses the scientific method itself as the most appropriate for his investigation and strives to adhere to its principles.

The positivist does, implicitly at least, accept value judgments of this kind as legitimate, yet at the same time he denies that values are facts, that values are objective truths. If the scientific method itself, however, is proclaimed to be *as a matter of fact* more appropriate than any other for understanding physical and social phenomena, then *this* value judgment *must* be accepted by the positivist as at least one value judgment that is objectively true. And if he concedes objective validity to this one value, as he must, he must logically concede the possibility at least that other values may also be objectively true.

The positivist, for example, cannot deny that the perpetuation of science itself depends upon the integrity of individual scientists. Now integrity is a value. It is not, unfortunately, always a human fact, yet this does not alter its validity as truth. If no one possessed integrity, it would still be true that science requires individual integrity for its perpetuation. If the positivist insists that the scientific method is better than other methods, that the perpetuation of the scientific method is valuable as a matter of fact, logically he must also insist that the factors which are prerequisite to the perpetuation of that method—such as the integrity of individual scientists, freedom to conduct scientific investigations and to propagate the findings of science—must also, as a matter of fact, be valuable. Thus the positivist does, implicitly if not explicitly, recognize certain values as being objectively true, and does so by transcending the sensations of immediate experience.

If one of the weaknesses of positivism is its inability (despite its claim) to discard completely all metaphysical speculation and ethical evaluation, another related weakness is its unsuccessful attempt to equate understanding with description. We have already pointed out that description itself necessarily implies the existence of some preformulated conceptual scheme in terms of which "facts" can be observed and ordered. Description apart from conceptual presuppositions is inconceivable. Facts do not present themselves to individuals (certainly not with neat labels already attached to them), but individuals seek facts, and the facts that individuals find depend in large part upon the conceptual presuppositions from which they begin their search. That these presuppositions are often accepted uncritically and tacitly, in many cases without a self-conscious knowledge of exactly what is presupposed, does not mean, of

course, that such assumptions are non-existent. When the positivist insists upon the "pure" description of the "positive facts" of immediate sensory experience, he is insisting upon the impossible.

Since the positivist, moreover, denies the legitimacy of qualitative judgments, he must assume that all facts are equally significant and equally relevant. All facts are not, however, equally significant. To understand the life of an individual, for example, it is not essential to know precisely at what time he rose from bed every single day of his life, how he performed his daily ablutions, what he ate on every occasion he sought to satisfy his hunger, or what he said on every occasion that he opened his mouth to speak. Catalogues, time-tables, and telephone directories are certainly useful collections of facts, but however complete or well classified those facts may be, no one would be justified in claiming that they even approximate scientific description. A list of facts, even when classified according to some logical scheme, is not synonymous with an understanding of the context in which those facts are found. History is more than a chronological list of events. Facts become meaningful only when we fit them into some pattern of meaning (a pattern of meaning, moreover, necessarily derived from something beyond the facts themselves) and only when we have some standard by means of which to separate the significant and relevant from the insignificant and irrelevant.

The inadequacy of positivism as the most valid perspective in which to achieve a description of any phenomena, physical or social, is demonstrated by its inability to achieve meaning without transcending immediate sensory experience. By eliminating the rational from the real, it eliminates at the same time any possibility of adequately explaining, at least in rational terms, the reality it seeks to describe. As Morris R. Cohen points out, positivism

"... begins with a great show of respect for 'fact' as the rock of intellectual salvation. On it we are to escape from the winds of dialectic illusion. But as science critically analyzes the 'facts,' more and more of them are seen to be the products of old prejudices or survivals of obsolete metaphysics... the 'facts' of science are admittedly checked and controlled by theoretic considerations—for they are characterized by rational or mathematical relations. Hence the empiricism which has an anti-intellectual animus consistently turns from the rational scientific elaboration of specific facts to a mystical pure experience in which all clear distinctions

are eliminated as the conceptual fictions of the mind. Thus does the worship of fact become the apotheosis of an abstraction devoid of all the concrete characteristics of fact."¹⁶

Nor can positivism, by seeking to reduce logic to psychology, succeed by that technique in eliminating all normative considerations. For again, as Cohen observes:

"... the attempt to make psychology identical with the whole field of science or philosophy can lead only to confusion. This is certainly the case when in the interests either of positivism or of psychologic idealism we deny the distinction between logic and psychology. . . . To me the greatest absurdity of all is the fundamental premise . . . that logic should be a description of the way we actually think. *Granted that all thinking goes on in individual minds, it does not follow that a psychologic description of reasoning as a mental event can determine whether the resulting conclusion is true.* All sorts of variations in imagery or motive may take place in the minds of those who come to the same conclusions as to the multiplication table, but these considerations are irrelevant to the truth or validity of what is asserted. . . . A psychologic description of what goes on in my mind as I deal with an ethical or practical problem will not determine the correctness of the solution arrived at; and psychology can no more include the whole of logic and ethics than it can the whole of technology."¹⁷

Positivism can achieve meaning for the facts which it describes only by engaging in the kind of metaphysical speculation it denounces as improper; or it can insist, as some positivists do, that the facts have no meaning. In the latter instance, it leads directly to the conclusion that "Life has no 'aim.' Mankind has no 'aim.' . . . Life is the beginning and the end . . . life has no system, no program, no reason; it exists for itself and by itself . . . it cannot be dissected according to good or bad, right or wrong, useful and desirable."¹⁸ It leads to nihilism in thought and to anarchy in practice. It leads inevitably to the conclusion that "in the historical world there are no ideals but only facts—no truths, but only facts. There is no reason, no equity, no final aim, but only facts. . . ."¹⁹ A

¹⁶ Morris R. Cohen, *Reason and Nature; An Essay on the Meaning of the Scientific Method* (1931), pp. 36–37.

¹⁷ *Ibid.*, p. 11.

¹⁸ Oswald Spengler, *Politische Schriften* (1934), pp. 85–86. Quoted in Melvin Rader, *No Compromise: The Conflict between Two Worlds* (1939), p. 304.

¹⁹ Oswald Spengler, *The Decline of the West* (1928), II, p. 368. Quoted with approval by the British Fascist James Drennan, *B.U.F.: Oswald Mosley and British Fascism* (1934), p. 183.

positivistic perspective leads inevitably to that kind of intellectual paralysis that is most conducive to the emergence of the fascist mentality.²⁰

IV

Underlying the positivist's conception of politics is the assumption that politics is concerned primarily with individual or collective wills and that reason, to the extent that it has any existence or function at all, exists primarily to provide individuals with "good" reasons for "real" ones. It is a curious twentieth-century phenomenon that so many intellectuals should be so actively engaged in the task of persuading other intellectuals *by reason* that men are essentially irrational. That rational justification for such a view of man should be thought either necessary or possible is itself refutation of the conclusion these intellectuals seek by rational argument to persuade others to accept. That they should concede, moreover, that men do, in fact, feel some necessity for providing "good" reasons for "real" ones, says a great deal more about the rationality and ethical sensibilities of men than they intend to concede. Why, indeed, should individuals feel any necessity whatsoever for providing "good" reasons for "real" ones if they are essentially irrational, a-moral, and controlled by forces completely outside themselves?

These modern sophisticates who, nevertheless, insist that such is the case fail to recognize any distinction between genuine and spurious justifications. No reason advanced by an individual, if good, is ever in their opinion a real explanation of his behavior nor, by implication, is any real reason ever a good one. All political philosophy is rationalization. The distinction between Aristotle and Herr Dr. Goebbels is a distinction in subtlety only, and if anything can be said by way of comparison it is simply that the Herr Doktor, at least, is more frankly a political apologist. If, as the positivist insists, no rational justification is ever genuine, sincere, or

²⁰ For an excellent analysis of the influence of positivism upon the German mentality, see Helmut Kuhn, *Freedom: Forgotten and Remembered* (1943). In part, Kuhn declares: "Freedom is rational choice. The flight from freedom into forgetfulness presented itself, within the rarefied atmosphere of abstract thought, as a dialectic through which Reason was divorced from Choice. The Historicist, fastening on understanding to the exclusion of choice, reduced the mind to an impotent spectator. The Existentialist, exalting choice at the expense of reason, entrusted the self with a blind power of decision, thus reducing it to an irresponsible agent. After whittling away freedom from both ends, the two found themselves united in the task of consecrating the unfreedom of the totalitarian state." *Op. cit.*, p. 25.

real, then differences of political opinion can, in the last analysis, be decided only in the arena of force, and politics must be conceived as a species of warfare. It would appear that the positivist could accomplish more, therefore, in the realm of politics by girding his loins for combat than by searching interminably for facts.

When pressed for a definition of politics, the positivist declares that politics is the struggle for power; it is, he says, the technique of gaining and keeping power. Politics so conceived has been accepted now so widely that many would regard it as a sign of ignorance or sheer naïveté to challenge it as fact. Yet, as a matter of truth, politics so conceived is almost devoid of meaning. Asked to define the power that is so eagerly sought, the positivist can literally find no other word than power to describe what he means. And this is so because the moment power is described in terms other than itself, it is seen to be a means rather than a self-sufficient end.

When the positivist uses the word power, he uses it as though power were something substantive and tangible, as though it were a possession that could be accumulated, stored up, and manipulated. Yet it is only when power is used that it can be said to exist. An individual who claimed to have power, but never gave any indication that he had the power he claimed to have, would dominate no one. Only by *doing* something, only by acting in some way, could he convince others that he did in fact have the power he claimed to have.

Power, in other words, is not a substantive thing, but a relational concept. It implies a relationship between wills whereby one will or several wills are acknowledged to be superior to other wills. Since what is spoken of as power implies a *relationship* between wills, it implies that power cannot exist except in terms of a relationship in which there is an acknowledgement of superiority of one kind or another. Whatever form of superiority is acknowledged, whether of brute force, of wealth, of knowledge, of authority, the fact of acknowledgment is essential to the concept of power. Power, in other words, depends upon the acceptance of something as power, and it is the acceptance of that something which makes it power, not the claim to possession of power as a substantive thing.

Now if power is a relational concept rather than a substantive entity, if it exists only in action, it can never be a self-sufficient end. If men must act in order to demonstrate the power they claim to have, they must, of necessity, do something specific; they must

act purposively. For there is no such thing as willing without purpose. You cannot will to become more powerful, though you may, indeed, become more powerful by willing to do certain things that others accept, implicitly or explicitly, as a mark of superiority.

Since no one can be powerful without acting willfully (purposively), there can be no power where there is no purpose, no will to act. If this is so, then it is the purposes in terms of which men act that should be the concern of students of politics, not the analysis of an abstract will to achieve an abstract "power." When politics is defined as the struggle for power, it tends to obliterate any consideration of the purposes that animate political conflict. It is the conflict of purposes, of aims and objectives, that characterizes politics—not a struggle for a "power" divorced from all purposeful motivation.

By seeking to limit the legitimate function of political scientists to a description of political techniques, the positivist, implicitly if not explicitly, says that the purposes to which these techniques are put are of no legitimate concern to the political scientist. The essence of politics is thus removed from the realm of legitimate scrutiny by students whose function it is to study politics.

But if the positivist's denial of legitimate concern with political objectives robs the study of politics of an essential part of political activity, his adamant refusal to permit the evaluation of political institutions and purposes threatens not only to reduce political science to a meaningless analysis of political techniques, but to encourage, by default, the acceptance of a nihilistic perspective that is positively inimical not only to the perpetuation of particular political ideals (freedom, for example), but to the perpetuation of science itself.

For the positivistic conception of politics embodies a theory of politics which is essentially nihilistic, and which is none the better for being accepted uncritically and tacitly. For the denial of the objective validity of any political philosophy, the denial of values as facts, the refusal to examine the metaphysical and ethical assumptions underlying political thought and action, is itself a theory of politics, however much the positivist may dislike the attribution of theoretical considerations to his "scientific" endeavors, or however uncritically he may accept this theory. Implicit in positivism is a nihilism closely akin to, if not identical with, the gospel of cynicism and despair that produced the mentality of fascism.

When politics is viewed from the perspective of positivism, it leads to a shallow "realism" that mistakes the a-moral description of dirty politics for scientific observation and analysis. Such "realism" overlooks the fact that by emphasizing dirty politics and techniques to the exclusion of any consideration of what politics may or ought to be is itself, implicitly at least, condoning such politics by refusing to condemn. The refusal to pass an ethical judgment is a kind of ethical judgment none the less. Such a refusal, moreover, however sincerely motivated by a desire to remain "impersonal" and "scientifically objective," encourages in practice the kind of politics that may eventually destroy the very possibility of an objective and scientific study of politics, wholly aside from the injustice and misery such politics brings in its wake to all individuals, whether students of politics or not.

It is impossible within the scope of this paper to examine in detail, or even to mention, all of the implications for political science of the perspective of positivism. We know that when law is viewed solely from such a perspective, it is conceived, in the last analysis, to be nothing but the command, in legal form, of superior force; that when the rights of individuals are focused from the same perspective, they are conceived to be, in the last analysis, not rights at all, but simply concessions granted by the state or society.²¹ The ideals which we cherish as democrats, if not indeed as men, turn out to be, under the scrutiny of the positivist, comforting illusions at best.

Let us take one of these—for example, the ideal of individual equality. The faith in human equality is a faith, not in the empirical or actual equality of individuals, but in their spiritual equality. In origin, the roots of that faith are religious rather than scientific. This faith, by its very nature, is beyond empirical or scientific proof. And since to the positivist anything beyond such proof is at least irrelevant, if not invalid, we are entitled to keep this faith (if we accept the perspective of positivism) at best as a personal prejudice. We cannot, as political scientists at any rate, insist upon the ideal of equality as anything but a comforting illusion.

The positivist who, in the cloister of his laboratory or den, exercises such noble and "scientific" restraint as to deny the faith that

²¹ For a more detailed and documented analysis of the influence of positivism upon these concepts, see the present writer's *The Decline of Liberalism as an Ideology* (1943).

has overturned dynasties and bathed nations in the blood of revolution may some day wake (upon the coming of a very different kind of revolution) to find his own essential equality challenged by barbarians who may insist, to his own chagrin, that he was, indeed, right. And, lest the possibility seem remote, let us simply recall that such things have come to pass in nations whose cultural traditions would have seemed a few decades ago to belie just such a possibility. As political scientists, we can refuse to make ethical judgments only by denying our responsibilities as human beings. As political scientists, we have obligations not only as scientists, but as men; and if we are persuaded by some false loyalty to science, or by some false conception of its nature, to forsake our human obligations, we may end by denying not only our humanity but our science.

LEGAL AND ECONOMIC FACTORS AFFECTING SOVIET RUSSIA'S FOREIGN POLICY, I

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This study attempts to appraise the dynamic forces at play in the shaping of Soviet foreign policy and to discuss some of the recent problems of international law and diplomacy as viewed by the U.S.S.R. In order to place Russia's recent tortuous foreign policy in its proper perspective, it is essential to begin with a résumé of the changing Soviet concepts of law, followed by a consideration of the economic factors influencing these concepts. The shifting line of recent Soviet foreign policy will be discussed in a later part of the article.

I. SOVIET CONCEPTS OF LAW

Originally, the Soviet concept of law was predicated on transitional socialism; Soviet theorists argued that proletarian revolution has for the first time in history created a socialist state of workmen and peasants. "This is the highest type of state—that of the dictatorship of the proletariat." Having emerged victorious, the working class destroyed the oppressive, bourgeois state machinery and built a new state apparatus of its own. The new form of state, discovered by Lenin, is the Soviet Republic. The task of the workers is further to strengthen the dictatorship of the proletariat. Only thus can rule by the working-class prepare conditions for the future withering away of the state.¹ Concurrently with the abolition of classes, with their antagonistic interests, law will disappear as the state withers away. But the state of the dictatorship of the proletariat will continue during the entire first phase of communism. Its withering away will begin only in the second, higher phase. Destroying the bourgeois state, the working-class creates its own socialist law to express its will. The most important characteristic

¹ Friedrich Engels, *Herr Eugen Dühring's Revolution in Science* (Anti-Dühring) (London, 1933). The standard formulation of the theory of the development of the socialist state was expounded by Engels and not by Karl Marx. Engels argued that "as soon as there is no longer any class of society to be held in subjection . . . the government of persons is replaced by the administration of things and the direction of the process of production. The state is not abolished, it withers away." *Op. cit.*, p. 309. See also V. I. Lenin, *State and Revolution* (London, 1933). This revised edition was authorized by the Marx-Engels-Lenin Institute in Moscow.

of Soviet socialist law is its revolutionary creative force.² The classical exposition of the Soviets' conception of law was given by the former people's Commissar of Justice, who defined Soviet laws as "technical instructions" with no binding power over those who issue them.³ This was especially so during the first decade of the Soviet régime. The law-courts were primarily political organs of the state, organized not to enforce law *per se*, but to carry out the political directions of the government. Since 1936, Soviet writers on jurisprudence have been using the term "socialist legality" instead of "revolutionary legality." Their contention is that "socialist legality" reflects a greater degree of permanence and public interest in the administration of Soviet justice.

Soviet concepts of international law changed in the light of shifting political expediency. The concepts of civil law, however, have not recently been subjected to extreme fundamental revision. In all instances, the interest of the whole and the duty to safeguard the social order have been the decisive criteria. Soviet jurists have always regarded the duties of the judiciary as identical with those of the entire governmental machinery; a court has no specific duty differing from those of other organs of governmental power. "We can and must speak of our law as a socialist law. It has always been, from the very beginning, an instrument of socialist reconstruction of the society; and so it remains."⁴

This philosophy of law and its practical applications have been the guiding principles in the light of which Soviet jurisprudence functioned. Moreover, some of the basic tenets expounded by earlier Soviet legal theorists are still regarded as sacrosanct, despite the fact that their authors have since been liquidated. As in the case of the *Gosplan*, the Soviet judiciary is rigidly controlled by the *Politbureau*. As far as the Soviets are concerned, justice in the abstract or moral connotation does not reign in a proletarian dictatorship. On the contrary, "Soviet law corresponds to the interests of the proletariat, organized into a ruling class. Hence, every problem of the Soviet civil law must be treated from the point of

² "Theses" published in *Sovetskaya Iustitsiya* (*Soviet Justice*), No. 8 (1937).

³ Peter I. Stuchka, *Revolutionnaya Rol Sovetskogo Prava* ("Revolutionary Role of Soviet Law") (Moscow, 1932).

⁴ Nikolai V. Krylenko, "Konstitutsiya Stalina i Obiaznost' Sovetskoy Iustitsii" ("Stalin's Constitution and the Task of the Soviet Judiciary"), in *Sovetskaya Iustitsiya* (*Soviet Justice*), Vol. 16, Nos. 5 and 8 (1937). Krylenko was Commissar of Justice during the period 1931-37.

view of the interest of the ruling class, from the point of view of the policy of the Communist party (the vanguard of the class) and the government; it must be presented in the Party light and get a Party decision."⁶

Of equal significance is their argumentation glorifying the ruling class—the proletariat. They postulate their concepts on the premise that law is the complex of rules of human behavior established by the state power, i.e., by the power of the dominant class in society. They also hold that customs and rules of social life sanctioned by the state power are put into effect by compulsory order, with the help of the state machinery, to protect, strengthen, and develop social relationships advantageous to the dominant class. Hence dictatorship of the proletariat does not exclude law and legality as a form of expression. The logical conclusion to be deduced is, of course, that "proletarian dictatorship is the supreme law which determines the concrete contents of all Soviet laws."⁶

During the decade 1926–36, Eugene B. Pashukanis was the acknowledged leader of the Soviet school of juristic thought. As editor of *Sovetskoe Gosudarstvo* ("Soviet State Law"), he made the most authoritative formulation of Communist doctrines; and he was the recognized exponent of the Soviet [interpretation of international law. Professor Pashukanis based his thesis on the Marxian dogma that the state will gradually wither away. Nevertheless, bringing his reasoning to its logical conclusion, he unwittingly adduced basic contradictions: "The enemies of the party are getting hold of the problems of withering away of law. If, in the U.S.S.R., the capitalistic elements have been destroyed and a classless society has been built, why does the state still exist?"⁷ This view was so at variance with the "official" doctrine as to be regarded in the Kremlin as implacable heresy; and, true to form in

⁶ Leonid Ia. Gintsburg, *Sovetskoe Khoziaistvennoe Zakonodatel'stvo* ("Soviet Economic and Legal Directives"), Course 44 (1934). See also Peter I. Stuchka, *Kurs Sovetskogo Grazhdanskogo Prava* ("Course in Soviet Civil Law") (Moscow, 1927); and Mikhail A. Reisner, *Pravo, Nashe Pravo, Chuzhoe Pravo* ("Law, Our Law, Foreign Law") (Moscow, 1925).

⁷ Andrey Ia. Vyshinskii, "Konstitutsiya Stalina," in *Sovetskaya Iustitsiya* ("Stalin's Constitution," in *Soviet Justice*), No. 31 (1936). At the time this article was published, Vyshinskii was the Attorney-General of the U.S.S.R. At present he is Vice-Commissar for Foreign Affairs.

⁸ Eugene B. Pashukanis, "Konstitutsiya Stalina i Sovetskaya Zakonost'" ("Stalin's Constitution and Socialist Legality"), in *Sovetskoe Gosudarstvo* ("Soviet State Law"), No. 4 (Apr., 1936).

purges, the author was ordered to disavow his ideas. He has since been liquidated, and his textbooks have been banned.⁸

The new school of thought is represented by a few relatively unknown writers on jurisprudence. Their writings on international law and Soviet foreign policy in various Russian academic and technical journals in recent years indicate that M. Ia. Rapoport and Iosif M. Lemn are the leading contemporary theorists at the Soviet Institute of Law. Moved by constantly changing political expediencies, Professor Rapoport approaches the problem theoretically to ascertain whether or not international law *per se* is to be regarded as a legal order. Answering that portentous question in the affirmative, he then advances the cogent argument that in the light of the present world-wide war it would be folly to view international law only as a bourgeois-capitalistic concept. Moreover, he criticizes Pashukanis for having interpreted the Soviet concept of international law exclusively from the point of view of the gradual withering away of the state. Such a theory of the law of nations cannot be validated by power politics; nor is it in consonance with the forces at play in the present global war.

Drawing extensively upon the writings of Karl von Clausewitz and Vladimir Illyich Lenin, and upon pronouncements of Joseph V. Stalin, Rapoport argues somewhat revealingly that even a dictatorship of the proletariat must of necessity take into consideration public opinion in foreign countries and reactions of its own people to the conduct of foreign affairs. Summarily stated, his thesis is that certain characteristic principles of international law are paramount.

"One should not conclude, however, that international law as applied to war has no real significance under present circumstances. The essence of law *per se*, as well as of law concerning the conduct of war, lies in the mutual relationships of different States, which are determined not by their economic and military might, but also by their respective moral positions."⁹

As evidenced by the writings of contemporary Soviet jurists, contempt for law has become disadvantageous for the authorities. Con-

⁸ Charles Prince, "The U.S.S.R. and International Organizations," *American Journal of International Law*, Vol. 36, pp. 435-445 (July, 1942).

⁹ M. Ia. Rapoport, "Voyna i Mezhdunarodnoe Pravo" ("War and International Law"), in *Morskoi Sbornik (Naval Journal)* (Leningrad, Nov., 1940), No. 11, 23 (93), p. 34.

tempt by the authorities weakens the state machinery by excluding from the motives of human conduct that of obedience to law. Therefore, the authorities, on whom development of doctrine in any sphere of knowledge is dependent, turned to research by jurists which would reinstate that motive. Curiously, the writings of Pashukanis, Korovine, Krylenko, Stutchka, and others (the legal scholars who were defied, disgraced, and "liquidated") have been "reincarnated." Whether legality can be restored within the framework of dictatorship by the proletariat is a matter of conjecture. The source of the difficulty is, of course, not in theoretical subtleties, but in the fact that the very existence of law under dictatorship is uncertain.

Pashukanis and his school had foreseen this contradiction. They were aware of the fact that revolutionary and/or socialist legality differs from that in a bourgeois democracy, in that it retreats before immediate political expediencies. Nevertheless, "law is still viewed primarily as the guardian of rights. The very soul of law is thereby negated. The new constitution of the Soviet Union of 1936 is not designed to alter the primary cause of the neglect of rights in Soviet Russia, i.e., the dictatorial concept of governmental power."¹⁰

Moreover, the basic changes formulated in the new constitution have not as yet been put into effect. The new constitution, however, reflects the thinking and practical application of the prevailing (official) concepts of Soviet law. Ownership of private property has not been entirely abolished; and the extremely limited rights an individual has been enjoying are not further restricted by the Constitution. The law-makers contend that:

"The new constitution of the U.S.S.R. clearly limits the rights and obligations of its subjects. We punish with all the justice and severity of Soviet laws for the violation of obligations. However, it will not occur to anyone to punish anybody for failing to utilize one or another of his rights, provided the exercise of individual rights does not conflict with the prevailing interests of the State."¹¹

It is questionable whether the "new leaders" at the Moscow In-

¹⁰ Vladimir Gsovski, "The Soviet Concept of Law," *Fordham Law Review*, Vol. 7, No. 1, p. 42 (Jan., 1938).

¹¹ Andrey Ia. Vyshinski, "K Polozheniyu Na Frontey Pravoï Teorii," *Sotsialisticheskaya Zakonnost'* ("Concerning Conditions in Legal Theory," in *Socialistic Legality*, No. 5, p. 34 (May, 1937).

stitute of Law advance a new and profound Soviet theory of law, or whether it better interprets Marxian principles than the one that preceded it. The "new" theory does not appear to be a product of men better versed in legal philosophy, or students of more profound scholarship. To be sure, it reflects the current social, economic, and political situations. The new school of thought is retreating from the revolutionary (Marxian) concept and endeavors to establish a transition to the evolutionary process of law. Hence the search for a compromise between communist utopia and current history is probably the outstanding characteristic of the recent trend.¹²

The invidious terms employed by the *new* theorists, in their vain attempts to refute the concepts of Soviet law promulgated by their predecessors, have exceeded all bounds of decency. Thus, Professors Pashukanis and Korovine are accused of having deliberately expounded bourgeois, dogmatic, pluralistic concepts of international law under the disguise of theoretical subtleties expressed in ambiguous terms of "norm," "form," "concentric area," etc. They carefully circumvented, so runs the criticism, the question of class content of contemporary international law. Moreover,

"All of these "concentric areas" (aside from those of the U.S.S.R.) represent not independent groups of norms, but elements of one and the same imperialistic system of international law. Hence, only by treating the content of the entire system as a means of strengthening the dominance of imperialistic countries is it possible to understand correctly the difference in the positive reference to international law, particularly the distinction between imperialistic countries of secondary rank and colonial and semi-colonial countries. On the other hand, the breaking up of the "norm" into concentric areas, without reference to the class character of the entire system, can give nothing but a bourgeois dogmatic exposition."¹³

The theory concerning the withering away of the state as originally formulated by Friedrich Engels and later expounded by Vladimir Lenin found a new expression in Stalin's realism.

¹² For a short statement on the "new" transitional period, see N. S. Timasheff, "The Crisis in the Marxian Theory of Law," *Contemporary Law Pamphlets*, Ser. 2, No. 1, Legal Philosophy Series, New York University School of Law, 1939).

¹³ M. Ia. Rapoport: "Protiv Vrazhdebnykh Teorii Mezhdunarodnogo Prava" ("Against Hostile Theories of International Law"), in *Sovetskoe Gosudarstvo* ("Soviet State Law"), Nos. 1-2 (1937), p. 98. This publication is the official *Organ Instituta Gosudarstvennogo Prava Akademii Nauk SSSR* ("Organ of the State Law Institute, Scientific Academy of the U.S.S.R.").

"Even though the exploiting classes have been suppressed here, the State cannot wither away as Karl Marx expected. It would be absurd to think that Marx could have foreseen nearly a century ago the present international situation and the capitalist encirclement of this lone Marxist State. Therefore, the State apparatus must be maintained, including the Army, Navy, and political police, to protect the State from foreign enemies."¹⁴

Regardless of theoretical subtleties and "new" concepts of international law that Soviet writers had advanced, the government deemed it advantageous to conform to generally postulated principles of international law. In the main, this was true until September, 1938.¹⁵ Since then, the Soviet régime has made moves of outstanding international import in defiance of generally accepted principles of international law. To illustrate: the invasion of Poland, the attack on Finland, the occupation of Bessarabia, and military pressures brought to bear on the Baltic states. In this connection it should be pointed out that it is not our intention to defame or to condemn the Soviet régime for having broken its obligations and treaties. Political and military events in 1941 and in 1942 may substantiate the thesis that it was "compelled" to perpetrate those acts. As far as this study is concerned, suffice it to observe that, since the rise of Hitlerism, the Soviet government has been making moves fraught with danger on the home front as well as in its relations with foreign countries. Theorists and academicians were subsequently summoned to justify those moves on legal grounds and to reconcile obvious contradictions.

Soviet juristic thought concerning the general principle *jus ex injuria non oritur* (legal continuity) is predicated on the hypothesis that revolution *per se* is justified. It would follow, therefore, that the old concepts become null and void in the storm of a social cataclysm, such as the Bolshevik Revolution in October, 1917, when one class replaced another at the helm of the state to reorganize not only economic relationships, but the entire legal system and the governing principles of internal and external politics.

¹⁴ Address before the 18th All-Union Communist Party Congress, March 11, 1939, and published in *Pravda* the next day. *Pravda* ("The Truth") is the official organ of the Central Executive Committee and of the Moscow Committee of the Communist party—*Politbureau*.

¹⁵ For a critical résumé of the principles of international law as applied by the Soviets up to September, 1934, see T. A. Taracouzio, *The Soviet Union and International Law* (New York, 1935).

As far as Soviet Russia's foreign policy is concerned, what has mattered during the past twenty-odd years, and what will continue to matter in the immediate future, is how Stalin interprets and translates into practice the theses postulated by Marx, Engels, and Lenin. To be sure, Soviet Russia's foreign policy has been marked by wide deviations from the principles and ideologies outlined in the writings of the Founding Fathers of the Revolution. As corroborative evidence of this deviation, we have Stalin's explanation given in the course of an address which he delivered on March 10, 1939, before the Eighteenth Congress of the Communist party of the Soviet Union:

"We have no right to expect of the classical Marxist writers, separated as they were from our day by a period of forty-five or fifty-five years, that they should have foreseen each and every zigzag of history in the distant future in every separate country. It would be ridiculous to expect that the classical Marxist writers should have elaborated for our benefit ready-made solutions for each and every theoretical problem that might arise in any particular country fifty or one hundred years afterwards, so that we, the descendants of the classical Marxist writers, might calmly doze at the fireside and munch ready-made solutions." Moreover, Stalin announced that "as a matter of fact, the forms of our state are changing and will continue to change in line with the development of our country and with the changes in the international situation."¹⁶

Illustrative of this trend are the constitutional changes announced on February 1, 1944, affecting the autonomy of each of the sixteen Union Republics.¹⁷

These decrees appear to project post-war policies of enduring significance, and are signs of an internal post-war stability the like of which Soviet Russia has not experienced throughout the twenty-six years of its existence. Similarly, they indicate that the Nazi invasion of Russia brought about a national cohesion within the Soviet Union such as the Stalin régime was unable to achieve throughout the years it has been in power. Moreover, the gradual appearance of a new generation almost completely loyal to the

¹⁶ J. Stalin, *Problems of Leninism* (Moscow, 1940), p. 659. This volume follows the eleventh Russian edition of *Problems of Leninism*, published by the State Foreign Languages Publishing House of Political Literature. In this connection, see also *The Land of Socialism Today and Tomorrow; Reports and Speeches Delivered at the 18th Congress of the C.P.S.U. held in Moscow in March, 1939* (Moscow, 1940).

¹⁷ *Information Bulletin*, Embassy of the U.S.S.R., Washington, Vol. 4, No. 15 (Feb. 5, 1944).

present Soviet régime makes the process of decentralization all the more feasible. It may pave the way for a gradual introduction of political democracy within the Soviet Republics.

In the Stalin constitution of December 5, 1936, Articles 126 and 141 specifically assert that the Communist party, and not the state, is the repository of final political, economic, and administrative power. The new decrees do not change this fundamental core of the Soviet Union.

Of equal significance is the juridical structure of the Soviet Union. According to Article 69 of the Soviet constitution, the Supreme Court has no jurisdiction over the final decisions of the Supreme Soviet Council of the U.S.S.R.; hence the Supreme Soviet, or in the last analysis the *Politbureau*, is its own judge. The Union Republics will thus continue to be the functional and operational agencies of the U.S.S.R.¹⁸

In the light of recent Soviet concepts of law, American exponents of international law have observed that the theorists of Nazi, Fascist, and Communist law of nations regard the state as mankind in an organized unit. The totalitarian state *per se* is the effort to realize this idea, in the shortest possible time, by the ruthless use of political, economic, and military power. To the totalitarian state, therefore, war is an instrument of policy to be used whenever government deems expedient. The relation of totalitarianism, of whatever prototype, to international law is therefore one of incompatibility. "If totalitarianism triumphs in the present war, international law will suffer a severe decline from which it may not recover."¹⁹

However, contemporary Soviet theorists distinguish sharply between dictatorship by the proletariat and Fascist totalitarianism, both in philosophy and in methodology. Distinctions between the two opposing systems—social, economic, ideological, political—is the subject of the next section.

II. ECONOMIC FACTORS

In consonance with the decision early in 1928 to concentrate on building a Socialist Fatherland, the Soviets launched a planned

¹⁸ For a more elaborate analysis of the Soviet autonomy decrees concerning the transformation of the People's Commissariat of Foreign Affairs from Union People's Commissariats into Union Republican People's Commissariats, see Charles Prince, "New Soviet Line-up," in *New York Times*, Mar. 19, 1944.

¹⁹ Quincy Wright, "International Law and the Totalitarian States," in this *REVIEW*, Vol. 35, No. 4, p. 743 (Aug., 1941).

and managed economy which called for the creating and developing of industrial centers in strategic areas east of the Urals. Similarly, the formation in Eastern Siberia of an independent and largely self-sufficient war economy was guided by the same principle. The *Gosplan* was charged with effectuating the purposes of this decision: to make the Soviet Union safe first for socialism and eventually for communism.²⁰

The functions of the *Gosplan* are closely interwoven with, and its policies are determined by, the *Politbureau*.²¹ This interlocking control of the entire national economy has given the government its extraordinary power, its exceptional stability; it has enabled the Soviet régime to survive shocks which might have been fatal to democratic governments.

Russia's formidable resistance and its powerful military machine—where, when, and how have they been built up? Why did Russia refuse British and American observers permission to see munitions factories, plants, and military stock-piles of supplies? One wonders whether the three *Piatiletki* ("Five-Year Plans") were not in reality gigantic military preparations.

The *Gosplan* formulated and executed its plans under instructions by the *Politbureau*. Ostensibly, the chief task of the first *Piatiletka* was to restore the national economy and to industrialize it with new plants in heavy industry. The main task of the second *Piatiletka* was to liquidate private ownership and to collectivize Soviet agriculture.²² The third *Piatiletka* was presented to the Russian people by the Commissar for Foreign Affairs as "a gigantic program to raise the level of national economy, culture, and general welfare. It is a program for a gradual transition from socialism to communism."²³

Swayed by constantly changing conditions, the *Gosplan* has been reorganized several times during its twenty-two years of existence. But one emphasis has remained paramount throughout the Soviet

²⁰ See editorial, "Vneshnyia Politika Strany Pobedivshogo Sozializma" ("Foreign Policy of a Country of Victorious Socialism"), in *Izvestia*, Mar. 13, 1939. *Izvestiya* (Herald) is the official organ of the All-Russian Central Executive Committee of the U.S.S.R.

²¹ The *Politbureau* is the all-powerful, policy-determining Central Executive Committee of the Communist party of the U.S.S.R.

²² *Socialism Victorious; Reports and Speeches Delivered at the 17th Congress of the C.P.S.U.* held from Jan. 26 to Feb. 10, 1934, in Moscow (London, 1935).

²³ Vyacheslav M. Molotov, *Tretia Piatiletka* ("The Third Five-Year Plan") (Moscow 1939), p. 5. See also Aron Yugow, *Russia's Economic Front for War and Peace* (New York, 1942).

régime, namely, military needs and the imminence of war have always received first consideration in all economic planning.

Similarly, the organization and functioning of the *kolkhozes* (agricultural coöperatives) and of the *sovkhoses* (state farms) have been geared and directed to war economy. Decentralization of industry and collectivization of the peasantry, carried out at inhuman and harsh costs, reflected the foreign policy pursued by the *Politbureau*. Also, a regional *Grossraumwirtschaft* that would survive economic strangulation and political encirclement by all of the Great Powers was the underlying aim of the first and second *Piatiletki*.

Impelled not so much by opportunistic compromises as by the dynamics of struggle, Sovietism temporarily moved away from its final goal of a classless and harmonious society. At that point, a theory of "the transition period" was developed which sought, and still seeks, to reconcile contradictions between the final goal and the means used to attain that end. Thus drawing extensively from the writings of Karl Marx, Friedrich Engels, and Vladimir Lenin, contemporary Soviet theorists argue that the dictatorship of the proletariat is the inevitable link between capitalism, a society in which antagonistic forces reach their highest development, and socialism, a social order based on rules of solidarity.

It is true that some statistics in Soviet journals must be scrutinized with discretion. Nevertheless, perusal of *Planovoye Khozyaistvo* ("Planned Economy") and other technical and scientific journals²⁴ indicates the incredible economic potentialities in the eastern regions of the U.S.S.R.—in the Urals, Siberia, the Far East, and Soviet Central Asia. These regions are known to have enormous deposits of raw materials, namely, eighty-five per cent of the country's water power, sixty per cent of its wheat land, and more than thirty per cent of its iron ore.²⁵

It has been a matter of common knowledge that the Soviet Union has expended heavily in effort, materials, and equipment during the past three years (1941-43) to industrialize the Soviet Far East. Especially has it been active in cultivating the hinterland

²⁴ *Planovoye Khozyaistvo* is the official publication of the Gosplan (State Planning Commission): *Gornyy Zhurnal* ("The Mining Journal"); *Tyeplo i Sila* ("Heat and Power"); *Vyestnik Inzhenerov* ("The Engineers' Messenger"); *Azerbaizhanskoe Naftyannoye Khozyaistvo* ("The Azerbaizhan Oil Industry").

²⁵ See William Mandel, *The Soviet Far East* (New York, 1944); also *Socialist Construction in the U.S.S.R.*; *Statistical Abstract* (Moscow, 1936) (Russian edition).

of Siberia and adjacent areas and in making it a source of supply of agricultural food products. On the basis of available reports, it seems that even during the past two years, while the Soviet Union has been engaged in the most savage and determined battles to drive out the Nazi invaders, the economic and agricultural development of the Soviet Far East has proceeded uninterruptedly on a gigantic scale. Spasmodic reports in recent Soviet journals would seem to indicate that the industrialization as well as the agricultural growth of that area has been carried forward on such a vast scale as almost to triple the speed with which the First and Second Five Year Plans were carried out in the Ukraine and behind the Ural area.

Unlike democracies which rely on coöperation, discipline, and the willingness of labor and capital to make sacrifices, Soviet economy has been operating in terms of *Realwirtschaft* (real or natural economy). The basic structure of the Soviet economy renders its control all the more simple. Almost from the beginning of its existence, the Soviet government curtailed mass civilian consumption by rationing the total national expenditure of consumers' goods in order to build up heavy industry. In war-time, the Soviets have resorted to more rigid and direct methods in diverting the required parts of production and income. Obviously, such an economy need not have recourse to the indirect controls of prices, taxes, wages, compulsory savings, and curtailed investments.

Successful development of those resources was a matter of life and death for the Soviet Union for four reasons: (1) In view of seemingly imminent hostilities with Japan, it was of paramount importance to provide the necessary armament and equipment for the powerful Far Eastern Red Army, lest these forces be compelled to depend for their supplies on consignments travelling 6,000 miles along the Trans-Siberian railway. (2) Russia needed a reserve of supplies for its armies of the west, in the event of retreat and the loss of arsenals and centers normally supplying them. This was equally true of the Air Force and Navy. (3) As noted above, Russian farming has been mechanized on a gigantic scale. Hence food supplies depended (and still do) on tractors, lorries, combines; and these, in turn, depend on oil. (4) Of equal significance was the stiffening of civilian morale in the eastern regions. Accordingly, the proffered higher standard of living of people there had to be ac-

celerated, war clouds notwithstanding. Civilian needs had to be supplied, to immunize in some measure the local populace against Japanese propaganda.

The most marked feature of the first three years of the Third Five-Year Plan (1938-40) was the drastic increase in defense expenditure. The allocations for national defense in the 1940 budget were double the 1938 figure. Moreover, in view of the fact that about two-thirds of the total capital investment in industry, agriculture, and transport came from grants from the national budget, this means that the rate of expenditure on defense amounted in 1940 to two-thirds of capital investment. During the same three-year period, the industrial output of the U.S.S.R. increased from 95,500 million rubles in 1937 to 137,500 million rubbles in 1940, or by forty-four per cent. This includes an increase in the output of the machine-building and metal-working industry by seventy-six per cent.

In his report delivered at the Eighteenth All-Union Conference of the C.P.S.U. (B) on February 18, 1941, the chairman of the *Gosplan* said: "In respect to the output of the defense industry, the government was guided by a simple truth, namely, if you want to be prepared for any 'surprises,' if you do not want our people to be caught unawares, keep your powder dry and do not stint means on the production of aircraft, tanks, armaments, warships, and shells."²⁶ To keep the country in a proper state of military preparedness has been the guiding motif of the Soviet economy during the last decade.

A similar *motif* was reflected in Soviet Russia's international trade and intercourse, particularly in its multilateral trade agreements. The foreign trade policy of the Soviet Union was continually reiterated by Molotov and Litvinov, prior to and during their tenures as Commissar for Foreign Affairs. They held that expanded trade with foreign countries, irrespective of their capitalistic structure or militarist program, was sound policy for the Soviet government.²⁷ Moreover, their foreign trade policy has not been altered,

²⁶ Mikolai Voznesensky, *Economic Results of the U.S.S.R. in 1940 and the Plan of National Economic Development for 1941* (Moscow, 1941), p. 8. See also Maurice Dobb, *Soviet Economy and the War* (London, 1941).

²⁷ Vyacheslav M. Molotov, *Statii i Rechii* ("Essays and Speeches"), 1935-1936 (Moscow, 1937); Maxim M. Litvinov, *Vneshniya Politika SSSR; Rechii i Zaiavlenii* ("Foreign Policy of the U.S.S.R.; Speeches and Statements"), 1927-1935 (Moscow, 1937).

and there is no intention of changing it. This policy entailed, among other things, (1) liberty for official representatives of trading countries to fulfill all necessary functions connected with trade; (2) lawful intercourse between both representatives of governments and the citizens of trading countries; and (3) submission of foreigners to the jurisdiction of countries where they reside.

However, under the theories and/or slogans of "building socialism in one country," "national security," "self-preservation," and "domestic order," shifting political expediencies have been resorted to in utter disregard of international law. This has especially been true since May 3, 1939, when Maxim M. Litvinov was removed from the post of Commissar for Foreign Affairs.

In pursuance of this opportunism, Soviet jurists, scientists, economists, and political theorists have been instructed to explain and interpret, to justify and validate, every move made by the Government (such as abrogations of treaties and obvious violations of international agreements to which the Soviet Union is a signatory) in terms of self-preservation. These apologists have elevated political expediency and compromise to the dignity of postulated principles of international law.

(To be concluded in the next issue)

STATE CONSTITUTIONAL LAW IN 1943-44

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Total war may be either the negation of constitutionalism or the ultimate test of its vitality. During the third year since Pearl Harbor, the leading constitutional cases decided in state courts have at last begun to show the operation of the principle of limited government in war-emergency conditions. The judicial veto has been ^{boldly} vigorously used. Separation of powers in particular and, to some extent, non-delegability of legislative power have revived to new strength after a period of apparent decline. Minority rights, although only slightly curtailed in the readjustment to paramount war-time needs, have suffered more serious modifications in other respects. Otherwise there has been a notable absence of outstanding civil liberties cases. The courts have vied with legislatures in manifesting a growing conservatism toward the constitutional rights of labor. The position of the state, and especially the position of the state courts in the federal system, has been a continuing source of constitutional development. Problems of government and business have more than lost their depression-era dominance. Signs of judicial distaste for popular participation in the legislative process have persisted.

I. WAR CASES

Military Service: Incompatibility of Offices. Almost without exception, state courts have continued to interpret constitutional restrictions favorably to state officials absent on military duty. Even the most literal prohibitions against dual office-holding¹ have been ingeniously construed to avoid embarrassing or penalizing those rendering military service.

¹ The New Jersey court of errors and appeals held that the constitutionally-adopted common law doctrine of the incompatibility of offices could not successfully be invoked to vacate the office of a town mayor who had accepted a commission in the army—not, at least, where the legislature had indicated a policy to permit mayors to be absent for good and sufficient cause. *Kobylarz v. Mercer* 31 A. (2d) 208 (N. J., Mar., 1943). Interpreting the usual prohibition against dual office-holding, the North Carolina supreme court advised the governor that a statute was valid which authorized him to grant leaves to state officials for army service. Stress was laid on the temporary, and hence not incompatible, character of the second office, and on the fact that this case fell within the reason which led the framers of the constitution expressly to exempt service in the militia from the operation of the limitation. *In re Advisory Opinion to the Governor, In re Yelton*, 28 S.E.(2d) 567 (N. C., Jan., 1944). The supreme court of California expanded its earlier liberal opinion—which had declared that military service vacated state office but temporarily—to

Soldier Vote. It is something of a paradox, therefore, that less liberality has been shown in dealing with the constitutional problems involved in the soldiers' ballot. Not only is the record to date disappointing: it is one that suggests unprecedented litigation and confusion as an aftermath of the war elections.

The first soldiers' vote act to suffer was the Delaware law of 1898, which enabled qualified service men in two previous wars to cast their ballots at places of encampment.² The general absentee ballot law of 1923, having since been held invalid on the ground that the constitution required the voter to be physically present at the polling place, the court saw no escape from precedent. Nor could it reconcile the statute with Delaware's highly detailed constitutional provisions designed to prevent bribery and secure honest elections. Under these provisions, any person challenged for the suspected use of money or reward in an election could clear himself by oath, punishment for perjury being made the penalty for swearing falsely. Insisting that the constitution and laws of a state have no binding effect beyond its territorial limits, the court pointed out that prosecutions could not be conducted within the state for any falsehoods that might be committed outside. Similarly, extending hypothetical difficulties further, the summary process by which county courts were authorized to deal with delinquent election officials could issue only within the geographic confines of the state. If any doubt remained that such constitutional provisions necessarily implied that voters must personally appear at polling places in Delaware, that doubt was removed in the court's view by a con-

cover judges of the superior courts. This was done notwithstanding a constitutional declaration that "the legislature shall have no power to grant leave of absence to any judicial officer; any such officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office. . . ." This section was said to apply to personal, rather than military leaves, and the court could see no compelling reason why judges alone, "of all the officers and employees of the state, should be discouraged from entering military or naval service in time of war." Moreover, a constitutional clause directing judicial vacancies to be filled at the next general election "by the election of a judge for a full term" of six years was held to contemplate permanent vacancies. Hence, a temporary judicial vacancy, caused by the absence of a judge on military service, is to be filled by the governor under the constitutional authority given him to fill all vacancies for which "no mode is provided by the constitution and law." *People v. Sischo*, 144 P.(2d) 785 (Calif., Dec., 1943). The only exception to the continued liberal trend was a five-to-four decision which held that a regent of the University of Oklahoma automatically forfeited his office immediately upon entering active duty as a commissioned officer in the Army of the United States. *Wimberly v. Deacon*, 144 P.(2d) 447 (Okla., Dec., 1943). In none of these cases did the absent official lay claim to his state salary. Where such a claim was made, it was not well received. *Frazier v. Elmore*, 173 S.W.(2d) 563 (Tenn., July, 1943).

² *State ex rel Walker v. Harrington*, 30 A.(2d) 688 (Del. Feb., 1943).

stitutional clause which secured electors against freedom from arrest "during their attendance at elections, and in going . . . and returning . . . ;" for such language, it was argued, could not be assumed to have, nor to have been intended to have, extraterritorial effect. Finally, the constitution and soldier vote law were held to be "irreconcilably antagonistic" because the law departed from explicit provisions of the constitution respecting the handling and disposition of election certificates, ballot boxes, and election papers.

Three hundred and forty-one soldiers' ballots, a number sufficient to change the outcome of the contest, were eliminated in a New Jersey municipal election because sixty-three ballots came from unregistered voters and these had been inseparably commingled with the rest.³ An intermediate court upheld the elimination despite a specific constitutional guarantee that ". . . in time of war no elector in the actual military service of the state, or of the United States, . . . shall be deprived of his vote by reason of his absence. . . ." The court reasoned that an "elector" is a "qualified or legal voter," and the qualifications of a legal voter are those which are determined by the legislature. Hence the statutory requirement of registration must be met even by "electors" in the armed forces who have been serving on five continents and seven seas since 1941.

Delegation of Power to Meet War Emergency: Primaries. Could Governor Saltonstall, acting under his constitutional and statutory powers as supreme executive magistrate, and as commander-in-chief of the military and naval forces of Massachusetts, advance the date of the state primaries and modify provisions of the law relative to registration and absentee voting for the purpose of allowing time for soldiers to vote?⁴ This question, asked by the Governor, was answered in the negative by a majority of the supreme judicial court. The answer turned in part upon the validity of a statute, passed the month after Pearl Harbor, which conferred on the governor, for the duration, all constitutionally delegable "authority over persons and property necessary or expedient for meeting the supreme emergency of such a state of war." "Without limiting the generality" of this grant, the governor was authorized to "exercise authority relative to any or all of" the specific matters embraced in seventeen numbered subparagraphs. The act further provided that provisions of general laws and ordinances in conflict with the executive's orders should become "inoperative."

So sweeping and unqualified a delegation of authority, the majority of the court found intolerable. The legislature could not constitutionally grant to the governor "a roving commission to repeal or amend by execu-

³ *Richardson v. Radice*, 35 A.(2d) 425 (N. J., Nov., 1943).

⁴ *Opinion of the Justices*, 52 N.E.(2d) 974 (Mass., Jan., 1944).

tive order unspecified provisions included anywhere in the statute law . . . rules, regulations, ordinances and by-laws. . . ." Such was not delegation, but outright "surrender of the legislative function to the executive. . . . War does not abrogate the constitution. It supplies no excuse for confusing legislative with executive powers." Definition of delegated authority was made especially necessary by Article 20 of the Declaration of Rights which declares that the "power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for." Since none of the seventeen subparagraphs had made express provisions for effecting changes in electoral dates or requirements, it followed that these matters lay beyond the scope of executive order. To hold otherwise, "if it would not fully open the door to government by edict, at least would leave that door ajar."

Nor could the governor's authority to advance the date of the state primaries be derived from a statute, passed in 1941, giving the chief magistrate "full power to cooperate" with federal officers and governors of other states "in matters pertaining to the common defense or to the common welfare, . . . and to take any measures which he may deem proper to carry into effect any request of the President of the United States for action looking to the national defense or to the public safety." The objects of this measure, the court argued, were such "immediate and tangible dangers to be apprehended from a state of war" as would be met by blackouts, air raid warnings, and the taking of means of conveyance and of food and fuel. "Surely there is an ample field for the cooperation mentioned in this section and for the carrying into effect of any request of the President, . . . without implying a grant of power to change the election laws by executive fiat." "In a democracy laws relating to the conduct of elections, including primaries, are matters over which it is peculiarly difficult under any circumstances to imply a legislative intent to vest an elective officer, however exalted and responsible, with personal power that, in some hands and under some circumstances, might be susceptible of abuse to political and partisan advantage." Such a grant would violate the constitutionally protected principle that in order to prevent oppression the people have a right to return "their public officers . . . to private life and to fill up vacant places by certain and regular elections and appointments."

Chief Justice Field dissented. In his view, the precise date at which primaries were to be held was "an administrative detail of the statutory method of voting." Not only might authority to determine this administrative detail be conferred upon the governor by the General Court, but the authority so conferred was also authority which the governor might "legally deem to be 'expedient' to meet the 'supreme emergency of such a state of war,'" within the phrasing of the statute. If the general grant of

authority was overly broad, and perhaps unconstitutional in part, the part was at least severable, and the act ought to be applied in harmony with the general purpose of the legislature. Finally, there was no offense to Article 20 of the Declaration of Rights, because "The action of the governor would be by authority 'derived from' the General Court and in the particular case of a 'supreme emergency of such a state of war.'"

Blackout Regulations. Notwithstanding the sweeping character of many of the delegations, few litigants have had the hardihood to contest constitutionality of the various war-power statutes which delegated authority to the executive to prescribe regulations pertaining to blackouts, air raids, and such matters. One New Jerseyman who did so,⁵ relying strongly on the Schechter and Hot Oil decisions, was informed that the governor merely had been clothed with authority to perform an added executive function, and that courts "must take judicial notice of the fact that acts of war are as unpredictable and uncertain as the future unknown acts of God. . . ."

Free Speech: Picketing. Is labor's newly-won constitutional guarantee of the right to picket, truthfully and without violence, curtailed by war? The Oregon supreme court answered this question affirmatively by sustaining an injunction which had been issued to disperse picket lines established by members of the International Woodworkers of America (CIO).⁶ The members of this union had been discharged by the plaintiff logging company as a result of their refusal to join the Carpenters and Joiners Union (AFL), the latter union having secured a closed shop agreement in March, 1941, following its designation as exclusive bargaining representative at a National Labor Relations Board election in 1939. It was pursuant to this agreement, and at the insistence of Carpenters and Joiners, that the CIO workmen were discharged. Habitually regarding all picket lines as sacred and inviolable, and fearful lest they be blacklisted in CIO camps, the AFL Carpenters and Joiners then refused to cross the CIO picket line, thus virtually closing down the camp. A temporary injunction was granted in September and made permanent six days after Pearl Harbor. The court

⁵ *State v. Natelson Bros.*, 32 A.(2d) 581 (N. J., June, 1943). The New Jersey courts also sustained, as a war measure, a city ordinance, passed in conjunction with similar legislation by adjoining cities, which required drug stores to close at 10:00 P.M. on weekdays, 11:00 P.M. on Saturdays, and 9:00 P.M. on Sundays. The fact that overworked pharmacists might make costly mistakes made the regulation a reasonable exercise of police power. *Spiro Drug Service, Inc., v. Board of Commissioners of Union City*, 30 A.(2d) 892 (N. J., Mar., 1943; aff'd. 33 A.(2d) 872, Sept., 1943). But a Newark ordinance compelling retail stores, with certain exceptions, to close Tuesdays and Thursdays at 6:00 P.M. was struck down by the courts. *Crawford's Clothes, Inc., v. Board of Commissioners of City of Newark*, 35 A.(2d) 38 (N. J., Jan., 1944).

⁶ *Markham and Callow, Inc., v. International Woodworkers of America*, 135 P.(2d) 727 (Ore., Mar., 1943).

decided that the state's Norris-LaGuardia act did not forbid the injunction, since this was a jurisdictional conflict and not a "labor dispute." The argument was advanced that not all forms of picketing are constitutionally sanctioned by rights of free speech, and that the "delicate" judicial function of "balancing the opposed interests of liberty and national security" must be performed in an awareness of "the context of total war and the terrible urgency of unimpeded production for national defense." Quoting Justice Holmes' famous remark in the Schenck case,⁷ "when a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight," the court concluded that if, in time of war, "the pure right of free speech not connected with conduct may be somewhat limited," then surely "interests lying on the vague periphery of constitutional right, wherein speech and action are blended," may be subjected to this "modest restraint."

Japanese-Americans. Counsel for a Japanese-American who had been convicted of the brutal murder of his Japanese-American wife in the presence of several witnesses in a hotel lobby five months after Pearl Harbor contended, upon appeal, that war-induced hatred of his race was so intense as to make a fair trial impossible.⁸ Counsel also argued that his client had been denied equal protection because Japanese had been excluded from the jury. The Colorado supreme court found no merit in either argument. The fact that the defendant had conducted a business and had lived in the hotel, both of which were patronized by whites, showed that racial feeling had not become "so general as to constitute a mob psychology at the time of the trial." Practical considerations that the war is of indefinite duration and that racial prejudice might well persist beyond its end justified denial of a motion for a continuance until after the war. Even if the equal protection point had been properly raised at the trial, which it had not, there was no showing of systematic exclusion of Japanese from the panel or jury.

A crude attempt to inhibit the business activities of Japanese-Americans was struck down by the Arizona supreme court.⁹ The case involved a statute which prohibited, except upon constructive notice by publication in the press, any transactions with a "person whose movements are restricted by operation of law or by an executive or other order authorized by law." The court concluded that since the wording of the statute covered members of the armed forces and persons incarcerated for crime, it was so vague, indefinite, and uncertain as to violate state and federal due process requirements. These requirements are not affected by the war,

⁷ *Schenck v. United States* (1919), 249 U.S. 47, 52.

⁸ *Honda v. People*, 141 P.(2d) 178 (Colo., July, 1943; reh. den., Sept., 1943).

⁹ *State v. Ikeda*, 143 P.(2d) 880 (Ariz., Dec., 1943).

since the act is not in aid of any federally declared war purpose and the states possess no independent war power.

War Sabotage. The national Model Sabotage Act, making criminal the intentional destruction of property "with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States . . . for . . . defense or for war . . .," adopted by California in 1941, easily withstood constitutional challenge.¹⁰ An intermediate appellate court ruled that the statute was not so indefinite and uncertain as to violate due process requirements. The court thought it obvious that "any person of ordinary intelligence should realize, i.e., have reasonable grounds to believe, that the act of cutting the wings of an airplane then being used to train air cadets for the United States Army" would result in rendering the plane useless and in possible injury or death to the trainees. The similarity of the law to the recently-sustained federal Espionage Act,¹¹ and the defendant's failure to overcome the presumption of constitutionality, were other factors mentioned in the opinion.

War Emergency Council. An advisory opinion of the Alabama court disapproved of a bill which would have created a war emergency council composed of the governor and eight members of the legislature, four of whom were to have been elected by members of each house.¹² Per diem compensation of members was held incompatible with a prohibition in the state constitution against any legislator's appointment, during his elective term, to "any office of profit under this State. . . ." Of broader interest was the holding with regard to a provision giving the war council authority, subject only to the governor's veto power, to employ any of the surplus in the state treasury over \$750,000 as a war emergency fund to supplement any appropriation or to meet any emergency in any state department. One judge dissenting in part, the court advised that this provision did not offend against canons relating to the delegability of legislative power, the exercise of administrative power by legislative members, or the obligation of the legislature to appropriate only ascertainable sums.

Post-War Planning. State post-war planning received its first constitutional analysis by any state supreme court when the Ohio judges examined the permissible membership and authority of that state's post-war program commission, created in 1943.¹³ Twelve members of the twenty-one-man commission were to be the president *pro tempore* of the senate and five members appointed by the president thereof, together with the speaker of the house and five members of the house appointed by him. The principal question was whether this arrangement violated constitutional clauses which declared that "no appointing power shall be

¹⁰ *People v. Gordon*, 144 P.(2d) 662 (Calif., Jan., 1944).

¹¹ 50 U.S.C. Sec. 31, *Gorin v. United States*, 312 U.S. 19, 27.

¹² Opinion of the Justices, 13 So.(2d) 674 (Ala., June, 1943).

¹³ *State ex rel. Herbert v. Ferguson*, 52 N.E.(2d) 980 (Ohio, Feb., 1944).

exercised by the general assembly except as prescribed in this Constitution . . ." and which prohibited members of the general assembly from serving in any civil offices created during their legislative terms. The court answered in the negative, arguing that precedent supported such appointments if they were "impersonal", that is, not of specific persons but merely of those who may happen to be members of a particular group at a particular time. . . ." It was observed that in the past commissions so constituted had been sustained under the constitutional authority of each house to obtain by committees or otherwise information affecting legislative action. "That practice having been accepted, if not expressly approved, as legitimate and proper for such a long period, if kept within the limitations herein indicated, we are disinclined to hold it invalid." One of the limitations "herein indicated" was that the commission must remain purely a fact-finding body. For members of the general assembly serving on the commission to undertake to lease land, or even to take options on land for prospective park sites, in the name of the state, would be to exercise "sovereign power" in such a way as to constitute them civil officers within the inhibitions of the constitution.

State Employees in Military Service: Continuing Half-Pay. A scheme described by its friends as designed to mitigate the financial hardships of families of public employees serving in the armed forces and by its critics as a shameless pressure-group raid upon the public treasury received the negative of the Pennsylvania supreme court in a veto filled with constitutional stereotype.¹⁴ An act of 1917, which had been administered unchallenged during World War I, and which was amended in 1941-42, provided for continuing payments during the period of military service to dependents of regular employees of the state and its political subdivisions. Regardless of the need of the dependent or the length of service of the employee, payments were to be one-half of the employees' salary up to a maximum of \$4,000 per year, with the further provision that in no case were amounts paid to exceed \$2,000 annually in combination with the payments made by the federal government. Although the New York court recently had upheld legislation of this type as designed to recognize and reward faithful public service,¹⁵ the Pennsylvania majority vigorously condemned the measure as "paternalism run riot," and as special legislation which created a "favored class consisting of the dependents of fewer than two per cent of those 750,000 Pennsylvanians now in the nation's war service." Thus the central issue was whether public employees constituted a separate class or whether an act which applied to but two per cent of all affected employees was arbitrary and defective special legislation.

¹⁴ *Kurtz v. City of Pittsburgh*, 31 A.(2d) 257 (Pa., Mar., 1943).

¹⁵ *Hoyt v. Broome County*, 34 N.E.(2d) 481 (N. Y., May, 1941).

In the majority's view, a classification so narrowly drawn, and which in practice favored public employees over farmers, employees in private industry, and professional men, was "spurious and unsubstantial." For the Pennsylvania constitution to authorize "pensions or gratuities for military services" for *all* who rendered such services was one thing; "to interpret such a provision as authorizing gratuities to that small percentage of persons now in war service but who *were* public employees is so obviously a different thing that it should require no argument to point it out." No more warrant could be found for granting pensions only to public employees than could be found for granting them to college graduates or former carpenters. Two judges disagreed on the ground that the classification was reasonable and supported by the precedents of the workmen's compensation laws and the preference given veterans in the civil service.

Police Power. Unwilling to foster by silence "the delusion that a town may . . . defy the commonwealth and its courts," the highest court of Massachusetts soberly reviewed the weapons in its "ample armory of equity."¹⁶ It then "commanded" the recalcitrant townsmen of Hudson to comply forthwith with an order of the state health department which required chlorination of city water as a war measure intended to guard against possible sabotage. Counsel had advanced the novel argument that "democracy is dead" unless the voters in town meeting were left free to exercise their untrammelled judgment and to refuse to appropriate money even to discharge adjudicated duties or obligations of the town.

Eminent Domain. Under the Alabama constitution,¹⁷ a city exercising the power of eminent domain is made liable for consequential damages "for . . . property injured or destroyed by . . . its . . . works . . . or improvements."¹⁸ Does such liability accrue where a city street is improved as a federal project under agreement with the state highway department to provide an access road to Fort McClellan military reservation? The state high court held not; the project was federal, not municipal. It had been initiated by military authorities under the Defense Highway Act of 1941.¹⁹ It was a war measure. The fact that the federal government had been given access to the street by formal ordinance, that the ordinance approved plans for the project, and agreed to hold the state harmless against any suits that might arise, did not convert a federal improvement into one by the city. The damages suffered were to be regarded as "loss, not injury; inconvenience, not wrong—to which every citizen must submit . . . for the public good."

Freedom of Religion. A new four-and-a-half million dollar air base ad-

¹⁶ *Commonwealth v. Town of Hudson*, 52 N.E.(2d) 566 (Mass., Dec., 1943).

¹⁷ Sec. 235, Constitution of 1901.

¹⁸ *Brock v. City of Anniston*, 14 So.(2d) 519 (Ala., May, 1943, reh. den., June, 1943).

¹⁹ 23 U.S.C.A. sec. 101-117.

jacent to the city of Moultrie brought an influx of construction workers and military personnel which increased the population by one-third and doubled pedestrian and auto traffic at rush hours. These facts were cited by the Georgia supreme court as valid grounds for an ordinance which prohibited sidewalk sales of "any goods, wares, merchandise, pamphlets, magazines . . . or other article of value on any Saturday between the hours of 12:00 noon and 9:00 p.m." on the principal, main congested streets.²⁰ The fact that the ordinance was non-discriminatory and was limited as to time and place clearly established it as a valid police regulation. Jehovah's Witnesses' arguments that their religious freedom had been infringed by its application were therefore without merit. "The constitutional guarantee of the exercise of religious freedom does not extend to acts which are inimical to the peace, good order, and morals of society."

War Housing. Efforts to relieve an acute housing shortage in the vicinity of the Charleston Navy Yard were partially frustrated by restrictions on fiscal powers in the South Carolina constitution.²¹ The opinion of the court was a virtual *reducto ad absurdum* of the intent theory of constitutional construction.²² The supreme court thought that it was axiomatic that "when the constitution was . . . adopted in 1895, sewerage systems were unknown in rural communities and could not have been in contemplation of the framers" when they used the word "ordinary" in describing county purposes for which taxes might be levied and bonds issued. Nor was it arguable that "the construction and operation of sewerage systems in the comparatively small sections of the whole large territory of the county of Charleston in which the V-Housing Corporation may construct houses for rent or sale would be of benefit to the whole." For these reasons, the court enjoined performance of the contract whereby a four-million-dollar private housing development was to have been paved and sewered by the county.

Price Control. Seldom have state courts been called upon to decide more challenging federal questions, or questions bearing more intimately upon their own powers, than those raised during the past year by sections 203, 204, and 205 of the federal Emergency Price Control Act of 1942. The first two of these sections established an administrative remedy for those protesting rent and price regulations, created the federal Emergency Court of Appeals, and endowed it, subject to review by the United

²⁰ *Jones v. City of Moultrie*, 27 S.E.(2d) 39 (Ga., Sept., 1943).

²¹ The pertinent portion of the constitution reads: "Section 6, Article X; The General Assembly shall not have power to authorize any county or township to levy a tax or issue bonds for any purpose except for education purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness."

²² *Doran v. Robertson*, 27 S.E.(2d) 714 (S. C., Nov., 1943).

States Supreme Court, on *certiorari*, with "exclusive jurisdiction to determine the validity" of regulations issued under the act. Section 204 (d) further provided that no other court, "Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation, or to stay, restrain, enjoin, or set aside, any provision of this act. . . ." Section 205 granted the state court concurrent jurisdiction over enforcement suits. Though it has since upheld the act as a whole and these specific provisions individually,²³ the United States Supreme Court, in the case of *Lockerty v. Phillips*, held merely that jurisdiction to enjoin the enforcement of regulations might be validly withdrawn from United States district courts. The question whether the constitutionality of the act or regulations might be raised in courts other than the Emergency Court of Appeals "either by way of defense to a criminal prosecution or in a civil suit brought for some other purpose than to restrain enforcement of the act or regulations . . ."²⁴ was expressly undecided. State courts were thus presented with these highly interesting questions: (1) Can Congress invest state courts with jurisdiction over cases arising under federal legislation and, at the same time, withhold from them power to determine the constitutionality thereof? (2) When Congress has not restricted enforcement to the United States courts, must state courts enforce a right of action created by a federal statute?

While agreeing unanimously that the substantive provisions of the federal act were constitutional, five state supreme courts reached divergent conclusions on these issues. The Alabama supreme court answered the first question affirmatively, dismissing an injunction suit brought to restrain the enforcement of the act on grounds of unconstitutionality.²⁵ It reasoned that a case in which the validity of a federal statute or regulation is called into question is a case or controversy arising under the constitution or laws of the United States, and hence is part of the judicial power of the United States, under Article III of the Constitution, all or any part of which Congress may withhold from state courts. The Kansas supreme court reached an opposite result.²⁶ Contrary to the *Lockerty* decision and the precise language of the statute, it entertained an affirmative action designed to test the validity of the act. Without detailed analysis, it found justification in the assertion that "whenever Congress enacts legislation and confers jurisdiction on a court to hear and decide a case, it likewise confers jurisdiction to determine whether the act is constitutional." The Indiana supreme court took an easier course.²⁷ It simply ig-

²³ *Bowles v. Willingham*, 64 S. Ct. 641 (1944); *Yakus v. United States*, 64 S. Ct. 660 (1944). ²⁴ *Lockerty v. Phillips*, 63 S. Ct. 1019 (1943).

²⁵ *Kittrell v. Hatter*, 10 So.(2d) 827 (Ala., Nov., 1942).

²⁶ *Ritchie v. Johnson*, 144 P.(2d) 925 (Kans., Jan., 1944).

²⁷ *Campbell v. Heiss*, 53 N.E.(2d) 634 (Ind., Mar., 1944).

nored the withdrawal provision, and passed on the validity of the substantive provisions without so much as mentioning section 204(d). The Illinois and California courts managed to escape the issue by arguing that the words "stay, restrain, enjoin, or set aside," did not prevent a court, in which an enforcement action had been commenced, from considering the validity of a defense of unconstitutionality.²⁸ Having before them consumers' actions for penalties under the act, they deemed themselves to be within the field left open by the Lockerty opinion. But the California judges plainly intimated that the withdrawal provision would be unconstitutional if this construction were not possible.

The second question was even more significant than the first, in view of the general refusal of state courts to enforce penal acts of Congress. This refusal had been based upon the conflict-of-laws rule against supplying criminal sanctions for a foreign state. A brief resort to Article VI of the federal Constitution satisfied the Illinois supreme court that the United States is not a foreign jurisdiction. "The laws of Congress are as much the laws of this state as the enactments of our own legislature." The California judges saw less compulsion in Article VI, but held that the state courts "should willingly and unequivocally recognize a clear constitutional duty" to entertain suits on rights of action created by Congress. The power involved could not be a part of the constitutional judicial power, because that power is vested by the constitution in the Supreme and inferior federal courts, whose judges, unlike those of the state courts, are appointed by the President and hold their offices during good behavior. Hence the court rested its conclusion "upon the character of the relationship" between the national and state government, for these rights of action were not created by a "totally unrelated sovereign." The intention of the framers, early acts of Congress, and the language of Article VI all indicated, however "wavering and uncertain" may have been the course of judicial decisions, that the federal system contemplated "a utilization by Congress of the states as agencies for the execution of federal powers." ". . . the courts have increasingly recognized the coöperative nature of our federal system and that there are, in fact, no reserved state powers which may be asserted in hostility to the authorized exercise of the federal power. . . . A selfish and jealous assertion by state courts of non-existent 'sovereign' rights is untenable in the present case."²⁹

²⁸ *Regan v. Kroger Baking Co.*, 54 N.E.(2d) 210 (Ill., Mar., 1944); *Miller v. Municipal Court of Los Angeles*, 142 P.(2d) 297 (Calif., Sept., 1943).

²⁹ The suit here was for \$50 and costs, the maximum jurisdictional limits of the small claims court under California law, and hence the consumer had chosen a court of "competent jurisdiction." This was true despite the absence of a claim for attorneys' fees (attorneys being banned by California law from small claims courts), even though section 205(e) of the federal act in terms provides for a minimum re-

II. NON-WAR CASES

A. GOVERNMENTAL ORGANIZATION AND PROCEDURE

Legislation: Power to Repeal Constitutionally Mandatory Law. The outstanding decision of the year not directly related to the war or to the war effort set aside the repeal of the Tennessee poll tax.³⁰ The decision aroused extraordinary interest doctrinally and historically as well as socially and politically, for it raised a simple but fundamental question which seems never to have been squarely decided by any court during a century and a half of constitutional interpretation. This question is whether a statute in execution of a mandatory but non-self-executing constitutional provision can be repealed by subsequent legislation. Opinions by the majority of the court answering in the emphatic negative not only left critics unconvinced, but injected new life into the whole poll-tax controversy. Surprisingly enough, neither the majority nor the dissenting opinions mentioned that the Tennessee legislature had once before repealed the tax as a prerequisite for voting, and that during the twenty-year period 1871-95 the levy had been purely for revenue purposes.³¹

Article II, section 28, of the constitution of 1870 provides that "all male citizens of this State over the age of twenty-one years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll tax of not less than fifty cents, nor more than one dollar per annum." In 1870, at the first session after adoption of the constitution, the legislature fixed the amount at one dollar, the age limits at twenty-one and fifty years, and provided exemptions based on physical incapacity. These provisions, with amendments extending their application to "every inhabitant" (subject to the earlier age limits and exemptions) were incorporated into the code of 1932. After five years of mounting agitation, the legislature in 1943 repealed statutory provisions for the poll tax both as a tax and as a prerequisite for voting. Constitutionality of the repeal was at once attacked by taxpayers, only one of whom was

covery of \$50 "plus reasonable attorneys' fees and costs as determined by the court." In North Carolina, under whose constitution and laws the justices courts have jurisdiction of amounts not exceeding \$200 and no power to award attorneys' fees, a consumer who asked \$50 and attorneys' fees was held not to have selected a court of "competent jurisdiction." The question "whether . . . a justice of the peace would have jurisdiction of an action for a penalty not in excess of \$200 under the Emergency Price Control Act . . . if no attorneys' fee was demanded," was expressly reserved for decision when it should arise. *Hopkins v. Barnhardt*, 27 S.E.(2d) 644 (N. C., Nov., 1943).

³⁰ *Biggs v. Beeler*, 173 S.W.(2d) 144 (Tenn., July, 1943); same case, 173 S.W.(2d) 946 (Sept., 1943).

³¹ H. N. Williams, "The Poll Tax and Constitutional Problems Involved in Its Repeal," *University of Chicago Law Rev.*, Vol. 11, pp. 177-183 (Feb., 1944).

shown to be liable for the levy, but who nevertheless claimed that their interests were adversely affected because new taxes would be necessary to meet the deficit created by repeal. The supreme court, two judges dissenting, declared unconstitutional the section which repealed the poll tax as a revenue measure.³³

In the view of the majority, the constitutional provision was an imperative command which the legislature, once having obeyed, could not later repudiate. To be sure, the legislature might originally have disregarded the command, and the courts would have been powerless to enforce compliance. "But, when the constitutional command has been carried into execution, and incorporated into operative law, the courts, which may not say shall, have the authority and the solemn obligation to say shall not." The majority recognized the general rule that no legislature can bind its successors. "... but we here deal with an exception, which we conceive to be sound in principle and compelled by a controlling constitutional mandate. We look through form to substance. In form, this act repeals former acts of the legislature, but who can deny that in substance ... it renders inoperative a constitutional command, to the extent, at least, of a tax of fifty cents on 'all male citizens ... over the age of twenty-one years. ...'"

The majority conceded that in so far as the code sections had extended the tax beyond "all *male* citizens" the repeal violated no express constitutional mandate. But since there was no indication that the legislature had intended the repealing act to apply merely to women in case it should be held void as to men, the act fell in its entirety.

A dissenting opinion by the chief justice tartly observed that the court had entertained "an assault by taxpayers upon a statute which relieves them of a burden," thus disregarding the rule that one not adversely affected by a statute cannot challenge its validity. "Stripped of its eloquence and ethics, the substance of the majority opinion is that obedience to a mandate of the constitution by one Legislature introduces into that instrument a warrant to this court to compel obedience to the mandate by a subsequent legislature." Such a view showed too little regard for the separation of powers.

The second dissenting opinion, even more emphatic, decried the notion that the court was "the keeper of the conscience of the legislature. ...

³³ The apparent ease with which the opinions confined attention to constitutionality of the act repealing the poll tax as a tax (ch. 37), in disregard of chap. 38 (repealing the tax as a prerequisite for voting and establishing a system of state-wide registration of voters), was explained by the fact that sec. 26 of chap. 38 asserted that the entire chapter was enacted in anticipation of the repeal of one of the sections repealed by chap. 37. Thus, invalidation of chap. 37 effectively blocked the entire program adopted in 1943.

We are here faced with the incongruity, if not absolute absurdity, of being called upon to yield obedience and compel obedience, to a statute that has been repealed and a constitutional provision that is admittedly not self-executing. Such a thing is unknown to the history of English and American jurisprudence."³³

Critics of the decision³⁴ saw two courses open to anti-poll-tax forces. The first—amendment of the unamended constitution of 1870³⁵—obviously had little to recommend it. More promising appeared to be removal of the tax as a qualification for voting by women, and repeal of the statutory requirement of the tax as a qualification for voting in primary and municipal elections. This second course was suggested by an earlier decision³⁶ which held primaries not to be "elections" within the meaning of constitutional clauses defining and limiting the suffrage. Such actions would permit the immediate achievement of partial objectives, and might eventually break down resistance to constitutional amendment. Careful draftsmanship might also exploit the legislative precedent created by the unchallenged repeal, in 1871, of the tax as a prerequisite for voting.

Direct Legislation: Initiative. The legislature's power to nullify an initiative measure passed at the polls was upheld by the Idaho supreme court in a decision which sustained legislative repeal of the popularly-adopted Senior Citizen's Grants Act of 1942.³⁷ The court reasoned that although by the constitutional amendment of 1912, the people "as an afterthought" had "reclaimed" "the power to propose laws, and enact the same at the polls independent of the legislature," their action gave no more force "or effect to initiative legislation than to legislative acts," because no specific limitation had been placed on the legislature's power of alteration and repeal. Considerations of policy and expediency which warranted the court in thus following the weight of authority were that the procedure constitutionally incumbent on the legislature in the passage of an act insures opportunity for analysis, discussion, and amendment not present in the case of actions by the people; that between elections emergencies might require immediate modification of initiative legislation in the public welfare; and finally that the people have a dual remedy in that they may, at the next election, select new representatives or reenact legislatively repealed measures or do both. The dissenting chief justice objected that the decision rendered initiative legislation dependent upon

³³ Upon petition for rehearing, opponents tardily challenged the view that the constitutional provision was mandatory; but their arguments were deemed unconvincing. ³⁴ H. N. Williams, *op. cit. supra*, note 31.

³⁵ Combs, "An Unamended State Constitution: The Tennessee Constitution of 1870," in this REVIEW, Vol. 32, pp. 514-524 (1938).

³⁶ *Ledgerwood v. Pitts*, 125 S.W. 1036 (1910).

³⁷ *Luker v. Curtis*, 136 P.(2d) 278 (Idaho, Apr., 1943).

the legislature, not "independent" of it, and annulled the provision of the constitution by conceding to the legislature the power to repeal initiative measures as often as enacted.

Direct Legislation: Referendum. A similarly restrictive attitude toward popular participation in the legislative process was manifested by the New Mexico supreme court. It construed the constitutional referendum clause, which exempted "public health" measures from reference to the people, as withholding from popular vote an old age assistance tax act.³⁷ The court found "no difficulty in sensing a valid relationship" between the "public health" as here used and a statute designed to provide senior citizens "a reasonable subsistence compatible with decency and health." It argued that statutes enacted for the protection of the public health under the police power were enacted also for the protection of the public health under the clause governing referability. The absence of the words "necessary" and "immediate" from the clause and a similar absence of any provision for the initiative, both of which were almost universal in states having the referendum, were regarded as "furnishing further proof" that the framers had an "undeniably conservative idea" about the referendum. An elaborate one-judge dissent argued that there is a commonly understood and legislatively followed difference between health and relief legislation, and that "public health" should be broadly construed for the purpose of determining the constitutionality of exertions of the police power, but narrowly construed for the purpose of determining referability.

Elections: Minority Parties. Under a general legislative provision applying to all parties whose candidates had not polled more than one per cent of the total vote cast in any election during the preceding two years, the only nominating procedure open to the Communist party in Baltimore was a certified independent petition signed by 1,500 voters who stated that they intended to vote for the person nominated.³⁸ These names were then to be published in a newspaper of general circulation and were to be accompanied by a fee of twenty-five cents per name to defray the costs of publication. The Maryland court of appeals held that the arrangement did not violate the secrecy of the ballot nor impose unreasonable and oppressive discrimination against minority parties. The statute was viewed as a legitimate means of preventing fraud; both the publica-

³⁷ State *ex rel.* Hughes v. Cleveland, 141 P.(2d) 192 (N. M., Sept., 1943). Characterizing its form as "miserably abortive . . . impossible, meaningless, and absurd," and as "drafted by the administrative branch as an eleventh-hour matter," the Montana supreme court invalidated the referendum of a gasoline tax highway bond measure on the ground that an appropriation of election costs was included and the constitutional power of referendum does not extend to appropriations of money. Burgan and Walker v. State Highway Commission, 137 P.(2d) 663 (Mont., May, 1943).

³⁸ Munsell v. Hennegan, 31 A. (2d) 640 (Md., Apr., 1943).

tion and the fee "would make any person circulating the petition careful he did not write in names of people who did not sign." The court added arguments upholding the enactment as a reasonable regulation apart from fraud.

Elections: Disqualification for Office. A novel and direct attempt to enforce judicial abstention from active politics reckoned without the rule that legislatures may not add to constitutionally-prescribed qualifications for office: the Delaware court invalidated on this score a statute of 1941 which had made it "unlawful" for any member of the state judiciary, including a justice of the peace, to be a candidate for any elective office during his judicial term and for six months thereafter.³⁹

Executive. The problem of interpreting constitutional provisions, framed exactly a century ago, so as to maintain a clearly established, responsible state executive under modern conditions of travel and communication was presented to the New Jersey supreme court.⁴⁰ The immediate occasion was a contest over the validity of a statute which the acting governor signed several hours after the absent governor had returned to the state. The outcome hinged on the meaning of the word "return" in a constitutional declaration that "in case . . . of the governor's . . . absence from the state, . . . the powers, duties . . . of the office shall devolve upon the president of the senate . . . until the governor . . . shall return. . . ." In holding that the word implied more than a physical return to the geographical bounds of the state, the court majority relied principally upon the confusion and uncertainty that would result from the physical presence standard. "Implicit . . . in the arrangements for the president of the senate . . ." to exercise the functions of the governor's office "is the correlative duty of the governor to give notice to the acting governor that he has returned . . . and . . . that he is ready to resume his executive powers and duties." Without denying the practical difficulties of the contrary holding, two dissenting judges thought it an anomalous and confusing consequence of the decision that all official acts, if any, performed by the governor after his return, but before giving the required notice, were invalid.

A general legislative restriction forbidding the governor to reappoint to the *same or any other* office, during the vacation of the senate, any nominee whom the senate had previously refused to confirm was invalidated by a three-to-two decision of the West Virginia supreme court of appeals.⁴¹ The legislative act of 1943 being an enlargement of a constitu-

³⁹ *Buckingham v. State ex rel. Killoran*, Atty-Gen., 35 A.(2d) 903 (Del., Jan., 1944).

⁴⁰ *In re An Act Concerning Alcoholic Beverages*, 31 A.(2d) 837 (N. J., Apr., 1943).

⁴¹ *State ex rel. Downey v. Sims*, 26 S.E.(2d) 161 (W. Va., May-June, 1943).

tional prohibition against such vacation reappointment to the *same* office, the majority satisfied itself with a reference to the maxim that "the expression of one thing is the exclusion of another." The two dissenters protested the majority's refusal to take cognizance of the fact, brought out in oral argument, but improperly presented in the record, that by waiting ten months until the senate had adjourned, the governor had evaded the constitutional requirement that he submit appointments to existent vacancies during a senate session.

Judiciary. Although nearly half of the states have now adopted this form of professional self-regulation, often at the initiative of the courts, and seldom without their approval, the struggle against integration of the Wisconsin bar raised interesting constitutional questions. Acting-Governor Goodland first vetoed the measure which authorized integration and then sued⁴² in his joint capacity as an attorney, elector, taxpayer, and chief executive, to enjoin publication in the official state paper—publication being, under the Wisconsin constitution, the final and indispensable step in the enactment of any statute. The injunction was denied by the supreme court, although not before the Governor was admonished by the judges that, each of the three departments of government being supreme in its field, the court could not enjoin the legislative process at any point and the executive had "no more right or authority to intervene" than had the court.

The questions raised by the Governor's suit as to the validity of enactment, plus other constitutional questions framed by the court on its own initiative, were then fully argued and answered in a second opinion.⁴³ This opinion developed the interesting fact that Wisconsin courts heretofore had been with the minority which refuses to regard the enrolled bill as conclusive, rather permitting reference to the legislative journals on doubtful points. But "very strong and cogent reasons" were seen for not now extending this rule: unrestricted judicial inquiry could entail only uncertainty and confusion; it would be neither proper nor profitable for courts to undertake to reform the legislature's records. So long, therefore, as the ayes and nays had been taken and duly recorded, constitutional requirements were satisfied and no attacks upon the enrolled bill would be countenanced.

A more novel objection raised by the Governor was that because of many paired votes in the assembly "two-thirds of the members present," as constitutionally required, had not concurred in the passage over his veto. However, the court found that since house rules had been fully complied with, and since neither these rules nor historic practice had ever re-

⁴² *Goodland v. Zimmerman*, 10 N.W.(2d) 180 (Wis., June, 1943).

⁴³ *Integration of Bar Case*, 11 N.W. (2d) 604 (Wis., Nov., 1943; one judge dissented).

garded a paired vote as other than absent in a legislative sense, the two-thirds majority might be determined by disregarding the pairs. It was not even necessary to pair in the ratio of two for one, rather than one for one, upon vetoed measures. Moreover, since control of admissions to the bar was strictly a judicial function, within the inherent powers of the court, and subject to no outside interference, there was no merit in the argument that the statute delegated legislative power to the supreme court. Other doubts⁴⁴ were similarly resolved in favor of the statute, but the court concluded that because of the absence of so many members in military and war service "integration should not be proceeded with at the present time." This was also the conclusion of the Minnesota supreme court.⁴⁵

Other legislative attempts to interfere with the inherent powers of the courts were condemned by the judges in less conciliatory terms. In an advisory opinion, the Massachusetts supreme judicial court informed state legislators that they could not constitutionally provide for a complete appellate court retrial of the facts of a superior court conviction for contempt—not, at least, if "the contempt was committed in the presence of the court or so near as to obstruct the administration of justice."⁴⁶ The proposed legislation was said to be "so far calculated to render inoperative the power of a trial court" as to constitute a forbidden "interference by the legislative department with the powers of the judicial department." This was true notwithstanding the legislature's admittedly broad power over the inferior courts. Decisions of the United States Supreme Court with respect to Congressional power over criminal contempts in inferior federal courts were declared to be without restrictive authority in Massachusetts, because the federal Constitution, unlike that of Massachusetts, contains no explicit provision relating to the separation of powers.

B. RIGHTS OF INDIVIDUALS

Labor. State courts have only begun to pass upon constitutionality of recent, war-time, restrictive labor legislation. In one of the first major cases, the high court of Texas upheld a mild act of 1943 which required paid labor organizers to register with the secretary of state and secure an organizers' card before soliciting union members.⁴⁷ The court held that

"This dissenting justice argued that integration was a matter which the 'legislature . . . may, perhaps,' accomplish under the police power, 'but if it may it would seem that it may, for like reason, if there be any, organize the barbers and the plumbers and the machinists and the members of any other trade or class of workman into a trade or labor union. But . . . the legislature . . . may not, in my opinion, delegate the exercise of that power to this court. . . .'"

⁴⁵ *Petition of Integration of Bar of Minnesota*, 12 N.W.(2d) 515 (Minn., Dec. 1943).

⁴⁶ *In re Opinion of the Justices*, 49 N.E.(2d) 252 (Mass., May, 1943).

⁴⁷ *Ex parte Thomas*, 174 S.W.(2d) 958 (Tex., Oct.-Nov., 1943).

since "labor unions enter into practically every business . . . and greatly affect the economic condition of the country," the right of the state under the police power to regulate them and protect the public welfare is beyond question. Nor did the requirement of registration abridge the right to speak or solicit others to join a union. The requirement was designed to prevent fraud and misrepresentation by unaccredited organizers. "The act confers no unbridled discretion on the Secretary of State to grant or withhold a registration card at will"

Much more disappointing to labor was a decision of the Alabama judges,⁴⁸ later made final by action of the United States Supreme Court, in denying *certiorari*.⁴⁹ This decision upheld as a valid exercise of the state's police power a curiously drawn statute, originally enacted in 1921, which had been thought by the lower court and some commentators to be subject to the same vice as the code section held void by the Supreme Court in *Thornhill v. Alabama*. The statute declared that "two or more persons who, without a just cause or legal excuse for so doing, enter into any combination, conspiracy, agreement, arrangement, or understanding for the purpose of hindering, delaying, or preventing any other persons, firms, corporation, or association of persons from carrying on any lawful business, shall be guilty of a misdemeanor." The crucial phrase "without a just cause or legal excuse," the court found to be "not without meaning legally, inherently and historically." It meant simply "unlawfully." Bottomed on this construction, the opinion advanced by broad sweeps: state and federal cases guaranteed the property right lawfully to conduct one's business without wrongful interference from others. The holding and opinion of the United States Supreme Court in *Milk Wagon Drivers v. Meadowmoor Dairies* left to the states "ample discretion in dealing with manifestations of force in the settlement of industrial conflicts." Far from being unconstitutional, the statute was "within the just distinction" established by the *Meadowmoor* case. Thus, the question certified by the lower court was decided without reference to the facts, the supreme court saying merely that "ample evidence" supported the appellant's conviction. So advised, the lower court upheld his conviction for conspiring to prevent "C. P. Hansel from carrying on . . . the business of building houses."⁵⁰

The facts not referred to were these: members of the A.F.L. Building Trades Council picketed Hansel, bearing placards stating that the contractor was unfair to organized labor. The purpose was to force employment of union workers. Since the defendant was a member of this line, his conviction really was for picketing. The complaint alleged no vio-

⁴⁸ *Lash v. State*, 14 So.(2d) 229 (Ala., Feb., 1943).

⁴⁹ 64 S. Ct. 192 (1943).

⁵⁰ *Lash v. State*, 14 So.(2d) 235 (Ala., Mar.-Apr., 1943).

lence on the part of the defendant, but evidence was introduced to show that certain acts of violence had attended the picketing—rocks had been thrown at the houses; and, on one occasion, at automobiles of non-union workers. Overlooking the extraordinary form of the opinion, critics stressed the great “difference between an injunction to prevent violence (the Meadowmoor situation) and a conviction for conspiracy after the acts of violence have occurred in connection with picketing by those not charged with committing the acts of violence.”⁵¹

Amid this intensifying judicial reaction⁵² toward organized labor, a divided New Mexico supreme court struck down a statute, passed in 1941, which operated to the disadvantage of unorganized, migratory farm workers.⁵³ The statute, enacted in a number of states but hitherto constitutionally untested, required non-residents who were gainfully employed in New Mexico to register their automobiles and pay a fee; non-resident car operators not so employed, i.e., tourists, were granted a ninety-day exemption. The majority of the court could perceive no reasonable relationship between the economic purpose of the law and the regulations imposed for its attainment. Nor could the enactment rest on the state’s admittedly large powers over the highways so long as tourists, who were exempt, made more use of the highways than did seasonal farm laborers. The dissenting justice argued that the legislature should be left free to choose between the competing economic theories, especially when so many other states had legislated on the same distinction “without drawing a challenge on constitutional grounds. . . .”

Jury: Exclusion of Negroes. Systematic rejection of Negro jurors by means of peremptory challenges was held consistent with state and federal due process and equal protection requirements by the Michigan supreme court in a decision that grew out of the Detroit “numbers racket” prosecutions.⁵⁴ Even though 60 defendants were on trial, giving the prosecution upwards of 300 peremptory challenges—a number sufficient to eliminate all of 30 or more Negroes on the panel—the court thought it apparent that the argument of the Negro defendant attacking the use of the challenges was untenable. To compel the prosecution either to assign a

⁵¹ Owens, “Study of Recent Labor Legislation,” *Ill. Law Rev.* p. 316 (Jan.-Feb., 1944).

⁵² See *Markham and Callow v. International Woodworkers of America*, *supra* note 6, stated in the section on War Cases. Cf. *Pittman v. Mix*, 11 So.(2d) 791 (Fla., Feb., 1943), wherein the supreme court of Florida decided without difficulty that an ordinance of the town of Perry which prohibited organization of labor unions and solicitation of members and membership fees violated provisions of the Declaration of Rights relating to due process, freedom of speech and press, enjoyment of life and liberty, and acquisition, possession, and protection of property.

⁵³ *State v. Pate*, 138 P.(2d) 1006 (N. M., Mar., 1943).

⁵⁴ *People v. Roxborough*, 12 N.W.(2d) 466 (Mich., Dec., 1943).

cause for challenging a Negro juror or else run the risk of reversal for discrimination on account of color, would be to strip the peremptory challenge of its "basic attribute"—exclusion without statement of reason. To hold otherwise in the instant case would be to extend to members of the Negro race "a privilege . . . not granted to any other race or class." Eventual acceptance of this viewpoint may well depend on whether peremptory challenges become the basis for abuse and injustice in mass trials involving defendants of one race or sect. Substantial injustice resulting from flagrant misuse of the device to achieve indirectly an exclusion which the Supreme Court of the United States has refused to see accomplished by more direct means⁵⁵ could readily call attention to the rule that in matters involving substantive due process the fact situation is determinative. In this sense, the court's ruling and dicta are needlessly broad.

Youth Correction. Several statutes dealing with youthful offenders came under judicial scrutiny. The most comprehensive and important of these was the Model Youth Correction Authority Act sponsored by the American Law Institute and first adopted in California. That state's supreme court, in a unanimous decision, found the statute constitutionally unobjectionable.⁵⁶ The model act creates a coordinating agency, which is placed in charge of convicted offenders, aged twenty-three and younger, and excepts those whose sentences call for punishment by death, life imprisonment, ninety-days imprisonment or less, or the payment of a fine.

⁵⁵ *Norris v. Alabama*, 294 U.S. 587 (1935); *Smith v. Texas*, 233 U.S. 630 (1914).

⁵⁶ *In re Herrera*, 143 P.(2d) 345 (Calif., Nov., 1943). New Mexico's twenty-six-year-old juvenile court act also survived its first constitutional challenge. Doubts arose from two overlapping constitutional sections, one granting district courts general original jurisdiction and "such jurisdiction of special cases and proceedings as may be conferred by law, . . ." and the other vesting the judicial power of the state in "a supreme court, district courts, . . . and such courts inferior to the district courts as may be established by law . . . in any county or municipality . . . including juvenile courts." The supreme court concluded that the power to establish juvenile courts carried with it the power to grant necessary jurisdiction, and such jurisdiction included the "special cases and proceedings" which had been expressly placed at the disposal of the legislature. The fact that only county and municipal courts could be created inferior to district courts presented greater difficulties, for the reason that their judges were under special constitutional limitations as to residence and tenure. These limitations could not be met by the district court judges presiding over the juvenile courts. The court held that the state alone, not the delinquent in this case, could initiate proceedings "fraught with such fatal and weighty consequences as . . . would attend a declaration that a court which has functioned for nearly a quarter of a century never had any existence at all. Moreover, in circumstances of this sort, there may be a *de facto* officer in the absence of a *de jure* office. Finally, since this was not a criminal proceeding, constitutional guarantees as to appeal, double-jeopardy, self-incrimination, and the like did not apply. *In re Santillanes*, 138 P.(2d) 503 (N. M., Apr.-May, 1943).

The agency is vested with wide discretion as to treatment and duration of detention—ranging from giving liberty under supervision and “upon such conditions as it believes conducive to law-abiding conduct” to rigorous confinement or absolute discharge. This delegation of legislative and judicial power was held to be “well within constitutional requirements,” largely on the analogy of the indeterminate sentence. The general classification was sustained against a charge of unreasonable discrimination, the court seeing “convincing reasons” in that by “reaching the offender during his formative years,” the act strikes at the “roots of recidivism.” Although “youth does not . . . end abruptly, to be superseded by maturity,” the particular age limit was not improper since “it is a matter of practical necessity . . . and one of legislative discretion, to fix theoretical lines where there are no real ones. . . .” Nor were the exceptions unreasonable. “The legislature may properly regard life imprisonment or the death penalty as necessary for the protection of the public in the case of grave offenses, just as it may regard imprisonment for not less than 90 days or the payment of a fine as adequate in the case of minor offenses.”⁵⁷

Unable to find any “rational basis for discrimination” against younger offenders, the Indiana supreme court held inoperative as special legislation and as a denial of equal protection of the laws that part of the Juvenile Reformatory Act which required parolees from the reformatory guilty of fresh crimes to serve out their original sentences before beginning new ones.⁵⁸ The fact that no similar provision applied to offenders aged thirty or above made the classification defective.

⁵⁷ The California version of the Model Act, adopted in 1942, allowed the agency, until 1946, to select and limit the number of persons committed to it. Such selection and limitation were to be guided by the adequacy of available facilities and the likelihood of benefit to the person excepted. These were held to be “appropriate legislative standards.”

⁵⁸ *Dowd v. Stuckey*, 51 N.E.(2d) 947 (Ind., Dec., 1943).

AMERICAN GOVERNMENT AND POLITICS

THE POLL TAX: THE CASE OF TEXAS

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The bitter controversy in Congress over anti-poll-tax legislation has revealed the need for a careful study of this subject. But rather little discriminating material has appeared. The case for poll-tax retention rests on folklore; the case for its abolition rests on propaganda, which is often more impassioned than exact. Belief in the poll tax is socially correct in the South. Logical argument is only a minor bulwark of the tax. Its main defense is the raised eyebrows that follow any questioning of the wisdom of this voting requirement. The opposition to the tax relies more on logic, but the statistics marshalled to support its case often will not stand up under close scrutiny. This article attempts to tell the story of the poll tax, with particular reference to Texas.

The difference between the poll tax as a voting requirement and merely as a revenue measure must be emphasized. Many states levy a poll tax which has nothing to do with suffrage. Maine, Vermont, Massachusetts, and Indiana—to mention only four—have this tax. Although various means of enforcing payment are used, failure to pay does not disfranchise anyone. The poll tax as a prerequisite to voting is now found in only eight states, *viz.*, Virginia, South Carolina, Georgia, Alabama, Mississippi, Texas, Arkansas, and Tennessee. North Carolina, Louisiana, and Florida formerly employed the tax as a voting qualification, but they abandoned the practice in 1920, 1934, and 1937, respectively. The distinction between a fiscal and a political poll tax is emphasized by the history of the tax in Texas. The Texas constitution of 1876—that is, the present constitution—said in Art. VIII, Sec. 1: "The legislature may impose a poll tax." Nothing was said about the tax as a requirement for voting. When the first legislature under this constitution met, in 1877, it levied a poll tax as a purely financial measure having nothing to do with suffrage. Not until 1902 was there adopted an amendment to Art. VI, Sec. 2, which reads: "... any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote at any election in this State and hold a receipt showing that said poll tax was paid before the first day of February next preceding such election"

The quarter-century gap between the constitution of 1876 and the adoption of the poll tax as a voting requirement is significant for two reasons. First, it shows that the suffrage aspect of the poll tax does not date back to the end of Reconstruction, as is commonly supposed, but has

a much more recent origin. Secondly, it begs the question of the motives for passing the amendment. The standard explanation is that you have a poll tax to "keep the nigger from voting." Did the backers of the 1902 amendment intend to disfranchise white men as well? That certainly has been the result—whether intentional or not. It is easy to show that Negro-disfranchisement was not the sole motive. By 1902, the Negro section of the Republican party, the traditional Negro party, was clearly on the wane.¹ The logical time to have taken action against Negro political activity would have been when it was at its zenith some years earlier. A far more serious contender for political power than the Negro was the Populist party. This poor farmers' party spread like wildfire throughout the Western and Southern states during the 1890's. Between 1890 and 1892 the movement was organized, drawing its leaders and members partly from earlier agrarian groups. In 1892, the Populists won the electoral college vote of six Western states and sent eight congressmen to Washington. The party made great headway in the South and in 1892 gave the Democratic party a run for its life in Georgia and Alabama. In Texas, too, the Populists became a real threat to the Democrats—the first serious threat to their dominance since the end of Reconstruction. In 1892, the Texas Populists polled a sizable vote, and in 1894 and 1896 they ran close enough a gubernatorial race to cause more uncertainty as to the outcome of the election. Thus, in 1894 they garnered some 152,000 votes to the Democrats' 207,000; in 1896, the vote was 238,000 to 298,000. In 1894, Populists held twenty-two out of 126 seats in the lower house of the Texas legislature, and throughout the 1890's they succeeded in winning a large number of county elective offices.

In Texas, as elsewhere, the Populist party was clearly a party of low-income, white farmers. Its supporters lived in the less fertile agricultural areas of the state, which are referred to locally as the "post-oak strips."² Here was a movement of discontented small farmers who had not known prosperity for a long time. They were well organized and ably led, and they constituted a distinct threat to the entrenched Democratic party. The Negro vote was by this time declining toward insignificance, but there had arisen a threatening poor-white vote that could be discouraged by putting a price on the ballot. It seems unlikely that the dominant groups in the Democratic party whose power was challenged by the low-

¹ See H. Budd, *The Negro in Politics in Texas, 1867-1898*, University of Texas Master's Thesis, unpublished, 1925.

² The most complete treatment of this party will be found in Roscoe C. Martin, *The People's Party in Texas; A Study of Third Party Politics*, University of Texas Bulletin, No. 3308 (Feb. 22, 1933). See especially pp. 61-70 for evidence that the Populist party was a poor farmers' movement. Pp. 89-112 show that its supporters were almost entirely whites.

income Populists could have failed to see the value of the poll tax to discourage future agrarian radicalism.

Other Southern states adopted poll taxes at dates suggesting a relationship to the Populist movement. Florida started with the poll-tax requirement in 1889, followed by Mississippi and Tennessee in 1890, Arkansas in 1892, South Carolina in 1895, Louisiana in 1898, North Carolina in 1900, Alabama and Virginia in 1901, and Georgia in 1908. Further investigation would be required to uncover the whole story of the origin of the poll-tax requirement. However, enough facts are available to show that Negro disfranchisement was not the sole motive—or even the most impelling motive—for making the poll tax a prerequisite for voting.

Three standard and time-honored arguments support the retention of the poll tax as a voting prerequisite. They are: that it is necessary to maintain "white supremacy," that it is essential to the support of the schools, and, finally, that it is useful in keeping government in the hands of "the better class of people." Much more rarely there occurs the distinctively Texan argument that the poll tax is a method of registering voters.

Let us take up these arguments one at a time and subject each to a critical evaluation. The one relating to registration requires least comment. Texas is one of the three states that have no system of personal registration. Poll tax payment is the closest approximation to such registration or listing of the qualified voters. As a substitute for a system of registration, the tax serves in a fashion; but it has some obvious weaknesses. Persons over sixty are not required to pay a poll tax. Such persons living in cities of 10,000 or more are required to secure an "exemption certificate," but those residing in smaller communities need not secure this document. Persons who lose their poll-tax receipts before election may swear an affidavit at the voting booth that they have paid the tax but mislaid their receipts; then they are permitted to vote. Poll taxes must be paid by January 31. Texas primaries occur in July and August; general elections, of course, are in November. Thus, the period of time between qualifying one's self to vote and voting is considerably longer than under the average registration system. The Texas poll tax is a crude equivalent of a registration system. However, it utilizes none of the improved procedures developed by the states that have had the longest experience with registration systems. It is no argument for the poll tax to hold that repeal would necessitate a registration system. Texas needs a good registration system whether the poll tax is abolished or retained.

"The poll tax keeps Negroes from voting"—here is another standard justification of the tax. The belief that the poll tax is essential to "white supremacy" constitutes the unspoken major premise of many defenders of the tax. It follows, then, that a foe of the poll tax disbelieves in "white

supremacy" and is a "nigger lover." A brief answer to this type of confused thinking is to point out, first, that if one is out cold-bloodedly to disfranchise the Negro, the poll tax is an ineffective way of doing it, and, second, that the poll tax disfranchises many more whites than Negroes in Texas. In Texas, at least, the poll tax is primarily a "white man's issue."

According to the 1940 census, only 14.4 per cent of the population of the state is Negro, as compared with 14.7 per cent in 1930. One has to go back to 1880 to find a Negro population of as much as 25 per cent, and the Negro percentage has declined with each census since 1880. Although these facts seem obvious, one hears among the uninformed many whispered justifications of the poll tax on the ground that "the niggers outnumber the whites in Texas."

"The poll tax keeps the nigger from voting and preserves white supremacy," says folklore. But the assertion ascribes to the tax a magic effectiveness that it does not have. For years, many Texas Negroes have voted in elections other than the Democratic primaries. If a Negro pays his poll tax, he may legally vote in the November general election or in a municipal election, restrained only by possible frowns of white election officials or other forms of social control apart from law. It is the "white primary" rule that has excluded the Negro from the politics of Texas. The Democratic primary is the only Texas election that counts; and until April, 1944, the federal Supreme Court had upheld the right of a political party to exclude Negroes from its primary. A poll tax receipt had no bearing on the situation.

On April 3, 1944, the Supreme Court, in *Smith v. Allwright*, held the Texas white primary unconstitutional. One may have conceded all of the foregoing, yet feel that with the white primary gone, the poll tax is now truly "essential to white supremacy." A reply to this type of reaction calls for a clearer definition of "white supremacy." Unless the Negro is restrained from the primaries by violence, we shall have the interesting situation of Negroes who have paid their poll taxes voting in the Democratic primary while two-thirds of Texas' white electorate fail to participate in this election—to a large extent because of failure to pay the poll tax. Is this white supremacy?

Definite figures on voting may be useful. In 1940, Texas had some 3,168,000 potential white voters, i.e., white citizens twenty-one or over, and about 540,000 potential Negro voters. The largest vote ever cast in any Texas election was in the Democratic primary of 1940, when 1,189,290 white Texans cast ballots for gubernatorial candidates—about 37.5 per cent of the potential white electorate. The average participation in Democratic primaries is usually nearer 33 per cent of the white electorate.

The foregoing figures raise the intriguing question whether you have "white supremacy" when a poll-tax-paying Negro can vote and two-

thirds of the white population do not. Would not "white supremacy" be better served by repealing the poll tax and encouraging the non-voting two-thirds of the white population to rise to the level of the Negro voter?

That the poll tax is not essential to "white supremacy" is further demonstrated by the experiences of the three Southern states that have repealed it, *viz.*, North Carolina, Louisiana, and Florida. Needless to say, the Negroes have not taken over the governments of these states; nor has there been an appreciable increase in Negro political power. Incidentally, Negroes constitute a larger percentage of the population in all three of these states than in Texas—in 1940, 27.5 per cent in North Carolina, 36 per cent in Louisiana, and 27 per cent in Florida. Special note should be taken of North Carolina, where the Negro percentage is twice that of Texas, and where the poll tax prerequisite has been out for twenty-four years. "White supremacy" still prevails in North Carolina.

Another standard defense of the poll tax as a prerequisite for voting is that it is "essential to the support of the schools." The worthy purpose for which part of each \$1.75 poll tax is spent is the justification. This type of argument confuses the poll tax as a source of revenue with the poll tax as a suffrage qualification. North Carolina abolished poll-tax payment as a voting prerequisite, but has retained the tax as a source of revenue for education. Several of the Northern states that levy this tax use its revenues for educational purposes. In Texas, repeal of the 1902 amendment to the constitution—the amendment which made the tax a voting prerequisite—would leave the poll tax intact as a revenue measure. Hence, discussion of the poll tax as essential to school income is beside the point.

In yet another sense, the defense of the poll tax as a revenue measure has a hollow ring. Few taxes are as poorly enforced as the poll tax. The tax is actually enforced only against real estate owners who are delinquent in the payment of their general property taxes. The law requires that when settlement is finally made on these late taxes all back poll taxes shall be paid also. In all other cases, the tax is purely optional. No penalties are assessed against those who fail to pay; no policeman comes to the door to collect from delinquents. There is no doubt that considerably more revenue could be secured from the poll tax by enforcing it. If one is really concerned about money for the Texas schools, the answer is that a more vigorous effort should be made to collect the tax. But no one wants to see the tax enforced. The poll tax is essentially a "cover charge on the right to vote." Its main purpose is to limit the electorate; the money it brings in is a by-product. The fiscal aspect of the tax is subordinated to the political.

The last of the classic defenses of the poll tax is the claim that it "keeps government in the hands of the better class of people." More frequently, the idea is stated negatively: the tax excludes from the polls "the corrupt,

the illiterate, the ignorant, the disinterested, and the trifling." This contention assumes three things: that there are those who are worthy of possessing political power and those who are not, that in principle the poll tax is an effective test to distinguish between the two groups, and that in practice it avails to exclude the unworthy.

To the contention that the poll tax excludes the corrupt and the purchasable voter from the polls, the most direct answer is: it doesn't—unfortunately. Poll taxes can be paid by political machines for the "ignorant and corrupt." Such persons then go to the polls armed with receipts that have been given them. All evidence points to the fact that such practices are common throughout the poll-tax section of the country all the way from Alexandria, Virginia, to El Paso, Texas. Obviously, this is a matter on which no complete statistical information is available; we cannot state positively that a certain per cent of all poll taxes paid in the South were paid by persons other than those to whom the receipt was made out. However, national poll-tax hearings abound with testimony about poll-tax corruption in Tennessee.³ In Virginia, a discrepancy was found between the number of tax receipts issued by several county treasurers and the funds turned into the state comptroller for poll-tax payments.⁴ Obviously, the treasurers had been too generous in issuing blocks of tax receipts to their friends on promises to pay and then had been left "holding the bag" when their friends failed to pay up. In Arkansas, a legislative investigating committee discovered that block-buying of poll-tax receipts and their distribution to the faithful was a standard practice in and around Little Rock.⁵ South Texas and the Rio Grande Valley are the sections of Texas where these practices seem most prevalent. The story of this type of corruption was aired by a Texas senatorial investigating committee and, on another occasion, by a committee of the U. S. House of Representatives.⁶ However, there is no evidence to indicate that either investigation resulted in any lessening of the practices in question. In short, local political machines see to it that enough of the "corrupt and ignorant" are permitted to vote to ensure a machine victory. Incidentally, in Texas the payment of other people's poll taxes is safer than in most states because one can be sure that the purchased voter will vote as paid. Each Texas ballot bears a

³ *Hearings before a Sub-Committee of the Committee on the Judiciary*, U. S. Senate, 77th Cong., 2nd Sess., Vol. I, pp. 171-176. ⁴ *Ibid.*, p. 91.

⁵ This report appeared originally in Little Rock's *Arkansas Democrat* of Feb. 18, 1937. Exerpts may be found in *Hearings*, I, pp. 277-278. See *ibid.*, pp. 278-281, for instances of this practice in other sections of Arkansas.

⁶ The Texas senate's investigation arose out of a contested election and is published as *Glasscock v. Parr*, *Supplement to the Senate Journal, Regular Session of the 36th Legislature, 1919*. The other document is *U. S. House of Representatives, 70th Cong., 2nd Sess., Report No. 2821*. It contains the results of an investigation by the Select Committee to Investigate Campaign Expenditures.

number, and this same number appears opposite the voter's name in the poll-book. Since the number remains on the ballot after casting, election officials may easily check and see that a purchased voter "delivered the goods."

If one continues to assume that the poll tax excludes from politics the ignorant and those unfitted to vote, it should follow that with this hand-picked, blue-ribbon electorate the poll-tax states would have sent to Washington considerable numbers of outstandingly able congressmen. Unhappily, this has not been the case. On the contrary, the poll-tax states have produced precious few outstanding public servants, and they have been responsible for more than their share of demagogues. Alabama's Tom Heflin and Mississippi's "the man Bilbo" are two examples of demagogues that have come up via the poll-tax route. It was Louisiana that perpetrated Huey Long on the U. S. Senate before repealing its poll tax. Tact and the wartime paper shortage prevent a considerable lengthening of this list.

"The poll tax keeps out the disinterested," and "a man who isn't interested enough in his government to pay his poll tax shouldn't be allowed to vote," are two variations of this aristocratic theory of the suffrage. The first statement carries its own refutation; if a man is not interested in voting, no poll tax is necessary to keep him from voting. A device to disfranchise those who do not want to vote is an absurdity. The second statement is often made in ringing tones as if it were the last word on the subject. Let us state the idea in reverse. "If a man is interested enough in his democratic government to want to vote, he should not be made to pay for the privilege." After this statement has been repeated a few times, it, too, develops an impressive ring.

At times, it is "the illiterate and the ignorant" that are said to be kept from the ballot-box by the poll tax. Two-thirds of the adult whites in Texas do not vote. It might be inferred that all of these persons are in the "illiterate and ignorant" group. No champions of the poll tax ever draw this thoroughly reasonable inference. "Illiteracy"—inability to read—is a more specific term than "ignorance." If one were really interested in excluding the illiterate, a test of literacy could readily be given. Some non-political agency, such as the schools, could administer a simple test, or a sixth grade education could be substituted for the test. Non-payment of a poll tax is no more a measure of ignorance than it is of illiteracy. To give a Wassermann test and to permit only those who have a negative reaction to vote would be little more far-fetched. The exclusion of the illiterate and the ignorant may be desirable, but there is no demonstrable relationship between poll-tax payment and wisdom or education. Even if one clings insistently to the idea that there is such a relationship, he must justify \$1.75 as the dividing line. If \$1.75 keeps government in the hands of the

literate and the educated, a tax of ten dollars or one hundred dollars would keep power in the hands of a still choicer electorate. Any argument that justifies a \$1.75 tax on the right to vote can be used to justify any higher amount.

Much less frequently, a friend of the poll tax comes out and defends it on the ground that "it keeps government in the hands of the better class of people." Such frankness clarifies the position of the champions of the poll tax. This reference to the "better class of people" hardly squares with democracy. One is reminded of the "new French State" as envisaged by Marshal Henri Pétain. As reported in the *New York Times* of July 9, 1941: "He [Pétain] rejected at the outset the idea of arbitrary equality and universal suffrage which had been the basis of the French Republic . . . in their place he proposes to establish liberty founded upon the selection of the élite in each of the main groups of the community."

Even when the friends of the poll tax are not so frank about the "better class of people," one may still question the staunchness of their faith in democracy. The frequent references to large classes of Americans as "vicious," "irresponsible," "corrupt," "illiterate," "ignorant," "uneducated," "uninterested," "trifling" seem to reveal a basic distrust of the common man and his motives. One is impelled to wonder whether many people who "reject at the outset the idea of arbitrary equality and universal suffrage" are not fellow-travelers of Marshal Pétain. One is left with the vague feeling that many of the friends of the poll tax hold with Alexander Hamilton that: "All communities divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people. . . . The people are turbulent and changing; they seldom judge or determine right."

The case of the opponents of the poll tax is simple. They hold that it disfranchises large numbers of American citizens for an arbitrary reason that has nothing to do with ability to participate in government. A few incidental arguments can be thrown in. In Texas (as well as five other states), it discriminates in favor of the aged. Texans over sixty need not pay the tax. With such issues as eligibility to old age pensions and the amount to be paid as hot issues of Texas politics, the recipients of pensions are in a fine position to demand bigger and better ones. "Pappy" O'Daniel, campaigning on bigger pensions for the old folks, never lost any votes because of this provision of the law.

Far from the poll tax "keeping government in the hands of the better class of people," it probably facilitates the control of the purchasable vote. It is not that the poll-tax states have any monopoly on political corruption; it is merely that the poll tax makes corrupt control more absolute. In every state there is a certain number of persons whose votes are for sale; where the total vote is small, as under a poll-tax régime, the rela-

tive influence of this venal group is greater. In Texas, the requirement that the tax be paid six months before an election contributes to the same end. The independent voter may forget to pay the tax by January 31, but the corrupt political machine never forgets. It makes it its business to remember to purchase some spare poll-tax receipts before the January 31 deadline.

The poll tax discourages voting by the lower-income groups. The tax is a trifle for the well-to-do; to the poor man, it may represent the price of a pair of shoes. In the years 1935-36, the median cash income of American families and single wage-earners was \$1,070 a year—that is, half had incomes above and half had incomes below that amount.⁷ Although no comparable figures are available for Texas alone, we know that it is not one of the wealthier states. A reasonable guess would put the median family income in Texas at \$800 a year. Poll taxes for husband and wife total \$3.50—nearly one-half of one per cent of the median family income. Having to pay this “cover charge” on the right to vote six months before the right may be used makes the position of the low-income family more difficult still. The poor family must decide between spending \$3.50 for groceries now or using it for an abstract right to be exercised six months later. The wealthier are spared making this painful decision. They can have their vote and eat too. Since wealth is no test of ability to participate in government, the tax is undemocratic.

Admitting that the poll tax makes it hard for the poor man to vote, how many people does it actually disfranchise? If only one-third of Texas's potential white electorate votes, is the non-voting two-thirds restrained by the poll tax alone? Clearly not. The extensive non-voting in other than poll-tax states shows that there are other causes. It is sometimes argued that the poll tax actually disfranchises no one since the amount is so small that anyone *could* pay it. Yes, if one's annual cash income were only \$1.75, he could pay his poll tax and buy the right to vote. This contention is logically sound, but it rests on an overly strict use of the word *disfranchise*. The poll tax *disfranchises* people in the sense that among lower-income groups the marginal utility of each \$1.75 is too great to permit its use for anything other than food, clothing, or shelter.

There are several bases for estimating the disfranchising effect of the poll tax. One method is a before-and-after study of voting participation in those states that have abolished the tax as a qualification. These states are, it will be recalled, North Carolina, Louisiana, and Florida. North Carolina is not useful for these purposes because it abolished the tax the same year women were enfranchised. Hence it is not possible to distinguish how much of the increased vote stems from the repeal of the tax

⁷ National Resources Committee, *Consumer Incomes in the United States; Their Distribution in 1935-36* (Washington: Government Printing Office, 1938), p. 6.

and how much from the removal of the ban on women voting. However, if we take before-and-after participation figures for Louisiana and try to eliminate irrelevant factors, we may be in a position to conclude that any increased participation following repeal is caused by repeal.

In dealing with election statistics, it is generally more meaningful and accurate to use the returns of the Democratic primary. The use of general election figures to estimate the effect of the poll tax in the South is often highly misleading. Thus it is sometimes argued that because only 17 per cent of the adult population of poll-taxed Alabama participated in the 1940 presidential election, compared with a 73 per cent average for the non-poll-taxed states, the poll tax is the cause of Alabama's poor showing. Two other obvious causes are overlooked, *viz.*, absence of a serious contest for the state's electoral college vote and the disfranchisement of the Negro by means other than the poll tax. Since it was a foregone conclusion that Alabama's electoral vote would go Democratic, there was no incentive for Alabama voters to flock to the polls to perform the superfluous task of voting Democratic. Alabama's sizable (over one-third) Negro population is disfranchised by educational tests (applied in baldly anti-Negro manner), by an environment hostile to Negro assertiveness, and by other methods. An Alabama Negro could pay his poll tax and still be disfranchised. Use of Democratic primary figures eliminates these weaknesses. Since the primary is the South's one election that really counts, there is no question about the absence of a contest. The complete exclusion of Negroes from the primary in accordance with the "white primary" rule eliminates the other misleading factor.

With these preliminaries out of the way, let us turn to a before-and-after study of Louisiana. The *potential white electorate*, it will be recalled, is the total number of white citizens twenty-one years old or over. Since it changes continually, the figures must be corrected for population growth.⁸ Repeal occurred in 1934. See Table I.

Prior to repeal, the participation in the Democratic senatorial primary was 37 per cent and 41 per cent in 1930 and 1932, respectively. In 1936, the first primary after repeal, the participation was 65.7 per cent—an increase of between half and two-thirds. In the primary race for governor,

⁸ The potential white electorate of the years 1930 and 1940 is available from the census breakdowns. In 1930, the potential white electorate was 33.5 per cent of the total population; in 1940, it was 37.7 per cent. Thus, it increased 4.2 per cent in the ten-year period. It is a reasonable assumption that the rate of increase was uniform. Thus, every two years the potential white electorate would increase by one-fifth of 4.2 per cent or, .84 per cent. The potential white electorate of 1930 was 33.5 per cent of the total population; in 1932, it would be 33.5 per cent plus .84 per cent, or 34.3 per cent. Total population figures for 1932 are available from the Census Bureau's inter-census estimates. The potential white electorate of 1932 is 34.3 per cent of the total population figure of that year.

the increase from 51 per cent to 66 per cent and 62 per cent is somewhat less dramatic. However, a one-quarter increase in participation is significant. Figures for the years 1942 and 1944 are omitted. Wholesale absence from the state for military service or defense jobs would introduce a

TABLE I

PARTICIPATION IN LOUISIANA PRIMARIES^a

<i>Year</i>	<i>Potential White Electorate</i>	<i>Participation Senator</i>	<i>Per Cent Participation Senator</i>	<i>Participation Governor</i>	<i>Per Cent Participation Governor</i>
1930	704,327	261,091	37.0		
1932	743,032	306,399	41.2	379,949	51.0
1934	777,990				
1936	815,649	536,579	65.7	540,370	66.2
1938	851,953	uncontested			
1940	891,601			553,723	62.1

variable factor producing misleading results. It will be recalled that participation throughout the country in the 1942 election was extremely low.

The story relative to Florida, where the tax was repealed in 1937, is similar (see Table II). In the 1934 senatorial primary, the participation was 31 per cent; in 1938 and 1940, the figure was 51 per cent for both years. In the governor's race in 1932 and 1936, the participation was 43 per cent and 44 per cent, respectively. After repeal in 1937, the figure jumped to 54.8 per cent.

TABLE II

PARTICIPATION IN FLORIDA ELECTIONS

<i>Year</i>	<i>Potential White Electorate</i>	<i>Participation Senator</i>	<i>Per Cent Participation Senator</i>	<i>Participation Governor</i>	<i>Per Cent Participation Governor</i>
1930	590,224	uncontested			
1932	633,550			276,710	43.6
1934	675,431	213,897	31.6		
1936	735,183			328,749	44.7
1938	807,864	415,293	51.4		
1940	877,599	449,934	51.2	481,437	54.8

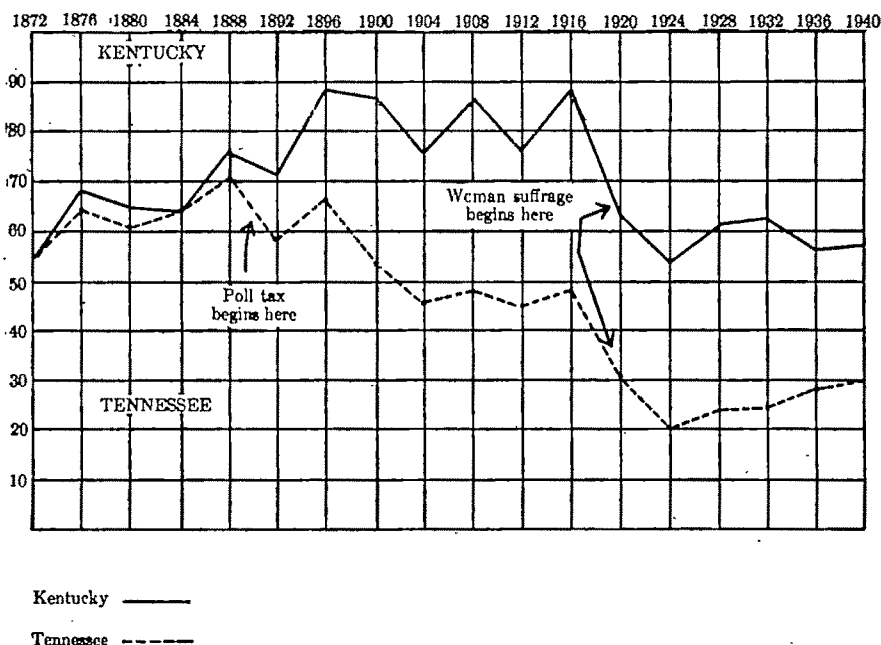
Our findings concerning Louisiana and Florida are, then, that poll-tax repeal has been followed by increases in Democratic primary participation ranging from one-quarter to two-thirds.

Another method of estimating the disfranchising effect of the poll tax is to compare voting participation in Kentucky and Tennessee. Kentucky has never had a poll tax; Tennessee enacted one in 1890. Beginning with that date, Tennessee's voting participation declined sharply; in the last

^a These election figures are published by the Louisiana secretary of state.

quarter-century, it has fallen to half that of Kentucky. At no time in the twentieth century has a majority of the Tennessee electorate voted; yet throughout this period, Kentucky has always had a majority vote. The accompanying chart tells the story of participation in the presidential elections of 1872-1940. Per cent of participation is figured in terms of adult males prior to 1920; after the enfranchisement of women in that year, it is based on the total adult population.

PER CENT OF VOTER PARTICIPATION IN PRESIDENTIAL ELECTIONS



When comparing two states to estimate poll-tax disfranchisement, one encounters the hazard of factors other than the poll tax causing the differing rates of voting participation. However, Kentucky and Tennessee are strikingly alike in most important respects. They have almost equal populations and almost equal potential electorates. Neither is a completely "safe" Democratic state; there is a real contest for the electoral college vote of each (see Table III).¹⁰ Although Tennessee is normally Democratic by a higher percentage, it has actually gone Republican twice (1920 and 1928) to Kentucky's once (1924). Tennessee has a higher percentage of Negroes in its potential electorate—18 as against Kentucky's 8.5, based on the 1940 census. Tennessee's larger per cent of

¹⁰ Table III and the chart are based on *Hearings*, I, pp. 55-60.

TABLE III

PARTY VOTE IN THE PRESIDENTIAL ELECTIONS OF KENTUCKY AND TENNESSEE

<i>Kentucky</i>		<i>Tennessee</i>	
1872		1872	
Democrat.....	99,995	Democrat.....	94,218
Republican.....	88,766	Republican.....	84,930
Other.....	2,375		
	<hr/>		<hr/>
	191,134		179,148
1876		1876	
Democrat.....	159,690	Democrat.....	133,166
Republican.....	97,156	Republican.....	89,596
Other.....	1,944		
	<hr/>		<hr/>
	258,790		222,762
1880		1880	
Democrat.....	149,068	Democrat.....	130,381
Republican.....	106,306	Republican.....	98,760
Other.....	11,499	Other.....	5,508
	<hr/>		<hr/>
	266,873		234,649
1884		1884	
Democrat.....	152,961	Democrat.....	133,324
Republican.....	118,122	Republican.....	124,093
Other.....	5,830	Other.....	2,132
	<hr/>		<hr/>
	275,913		259,550
1888		1888	
Democrat.....	183,800	Democrat.....	158,779
Republican.....	155,134	Republican.....	138,988
Other.....	5,225	Other.....	5,977
	<hr/>		<hr/>
	344,159		303,734
Poll Tax Begins in Tennessee			
1892		1892	
Democrat.....	175,461	Democrat.....	136,594
Republican.....	135,441	Republican.....	99,851
Other.....	23,500	Other.....	28,529
	<hr/>		<hr/>
	334,402		264,974
1896		1896	
Democrat.....	223,004	Democrat.....	170,953
Republican.....	218,171	Republican.....	149,703
Other.....	4,781	Other.....	3,140
	<hr/>		<hr/>
	445,956		323,798
1900		1900	
Democrat.....	234,899	Democrat.....	145,356
Republican.....	226,801	Republican.....	123,180
Other.....	3,584	Other.....	4,295
	<hr/>		<hr/>
	465,284		272,831

<i>Kentucky—(Cont.)</i>		<i>Tennessee—(Cont.)</i>	
1904		1904	
Democrat.....	217,170	Democrat.....	131,653
Republican.....	205,277	Republican.....	105,369
Other.....	10,211	Other.....	3,260
	<hr/> 432,658		<hr/> 240,282
1908		1908	
Democrat.....	244,092	Democrat.....	135,608
Republican.....	235,711	Republican.....	118,324
Other.....	9,947	Other.....	2,170
	<hr/> 439,750		<hr/> 256,102
1912		1912	
Democrat.....	219,584	Democrat.....	130,335
Republican.....	115,512	Republican.....	59,444
Other.....	102,766	Other.....	57,217
	<hr/> 437,862		<hr/> 246,996
1916		1916	
Democrat.....	269,990	Democrat.....	153,282
Republican.....	241,854	Republican.....	116,223
Other.....	7,770	Other.....	2,689
	<hr/> 519,614		<hr/> 272,194
1920		1920	
Democrat.....	453,497	Democrat.....	206,558
Republican.....	452,480	Republican.....	219,829
Other.....	10,734	Other.....	2,239
	<hr/> 913,711		<hr/> 428,626
1924		1924	
Democrat.....	374,855	Democrat.....	158,404
Republican.....	398,966	Republican.....	130,882
Progressive.....	38,465	Other.....	10,771
Other.....	3,046		<hr/> 299,957
	<hr/> 815,332		
1928		1928	
Democrat.....	555,064	Democrat.....	167,343
Republican.....	381,070	Republican.....	195,388
Other.....	1,470	Other.....	742
	<hr/> 940,604		<hr/> 363,473
1932		1932	
Democrat.....	589,574	Democrat.....	259,817
Republican.....	394,719	Republican.....	126,806
Other.....	7,773	Other.....	2,020
	<hr/> 983,066		<hr/> 387,643

<i>Kentucky</i> —(Cont.)		<i>Tennessee</i> —(Cont.)	
1936		1936	
Democrat.....	541,944	Democrat.....	327,083
Republican.....	369,702	Republican.....	146,516
Other.....	14,555	Other.....	1,955
	<hr/> 926,211		<hr/> 475,554
1940		1940	
Democrat.....	555,678	Democrat.....	348,267
Republican.....	411,145	Republican.....	167,564
	<hr/> 966,823	Other.....	1,955
			<hr/> 517,786

Negroes probably contributes to the lower rate of participation. However, neither of these two factors explains the degree of difference in participation or the striking decline in the Tennessee vote immediately after the enactment of the poll tax.

If it is not possible to compute exactly how many Texans the poll tax disfranchises, the foregoing statistics at least give considerable insight into the disfranchising effect of the tax. They show clearly that the poll tax does keep people from voting, and they make possible an intelligent estimate of the number of persons thus disfranchised. We may reasonably assume that repeal of the Texas poll tax would be followed by increases in voting participation similar to those in Louisiana and Florida—that is, an increase of one-quarter to two-thirds over the usual rate of participation.

Efforts to repeal the poll tax are being made on both a state and a federal basis. Ignoring the question of which approach is more politically feasible, it is clear that action on a state level would be more thorough. State action could eliminate the tax as a prerequisite for voting for either state or national officers; federal action could hope to do no more than give a free vote for national officers—as will be explained below.

An amendment to the Texas constitution would be necessary to rid the state of the poll tax. Mere legislative action to repeal the act of the legislature which levied the tax would not be sufficient. The Texas constitution makes one reference to the poll tax which we have not yet examined. The original 1876 version read (Art. VII, Sec. 3): "There shall be set apart annually not more than one-fourth of the general revenue of the state, and a poll tax of one dollar on all male inhabitants of this state between the ages of twenty-one and sixty years, for the benefit of the free public schools." An amendment changed the phrasing to one-fourth of the "state occupation taxes," and woman suffrage necessitated a change to "every inhabitant"—not merely *male* inhabitants. Hence, the present

version reads: "One-fourth of the revenue derived from the state occupation taxes and poll tax of one dollar on every inhabitant of the state between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the free public schools"

On the face of it, this latter clause seems merely to allocate one dollar of each poll tax for educational purposes. However, the Texas courts have ruled that this clause actually levies one dollar of the poll tax. The case that makes this ruling is an old one, but it has not been reversed, and it is referred to by attorney-general's rulings as a settled matter of Texas law. *Solon v. State*,¹¹ the case in question, is a decision of the Court of Criminal Appeals in 1907. The judges give no lengthy reasoning to support their decision; they merely state very emphatically that the constitution does levy the poll tax. The relevant part of the decision reads: "Under the provision of Section 3, Article 7, of the constitution there is, in express terms, levied in this state a poll tax on every male inhabitant thereof between the ages named therein . . . such poll tax is fixed without the necessity of legislative action. The provision standing alone is definite, fixed, and as certain as any legislative action can make it . . . this provision of the Constitution is self-executing and in terms levies a poll tax on all persons between the ages named. . . ."

If less convincing than some of the opinions of Marshall and Holmes, the case is certainly the prevailing law. Fifty cents of the poll tax is levied by mere statute,¹² but the remaining dollar is "in the constitution." The best procedure of constitutional amendment would probably be to repeal Art. VI, Sec. 2—the 1902 amendment that makes poll-tax payment a prerequisite for voting. Then the tax could remain as a fiscal measure and as a source of revenue for the schools. Of course, it would be theoretically possible to secure a reversal of the *Solon* case and then to repeal the poll-tax levy by simple legislative act. Under this procedure, the 1902 amendment would presumably be meaningless, for a non-existent poll tax could hardly be made a voting prerequisite. However, this method would be roundabout and probably more difficult to carry to a successful conclusion than an open attack on the 1902 amendment.

The hope for federal action is embodied in an anti-poll-tax bill already passed by the House, but still pending in the Senate. This measure would prohibit states to make poll-tax payment a prerequisite for voting for federal officers—president, vice-president, senators, and representatives. The constitutional peg on which the backers of the legislation hope to hang it is Art. I, Sec. 4, which permits the national government to regulate "the times, places, and *manner*" of electing senators and representa-

¹¹ 54 Crim. Rep. 261, 114 S.W. 349.

¹² The remaining 25 cents of the \$1.75 is levied by the county, although it is, of course, statutory law that authorizes the county to levy it.

tives. Poll-tax elimination, the federal bill avers, would lessen electoral corruption; therefore, since safeguarding the honesty of federal elections—that is, seeing that they are conducted in an honest *manner*—is clearly within the power of Congress, poll tax elimination would be a legitimate exercise of federal power. The House of Representatives was apparently convinced by this line of constitutional reasoning, for it approved the bill by a majority of 265 to 110. Although the constitutional clause involved refers only to the election of senators and representatives, the Supreme Court has ruled on several occasions (notably *Burroughs v. U. S.*, in 1934) that Congress has the power to regulate the selection of presidential electors and to protect the process against corruption. Furthermore, the champions of federal anti-poll-tax legislation received aid and comfort from the recent (1941) Supreme Court decision in *U. S. v. Classic*, in which the Court made the startling ruling that the election of congressmen is a right given to the people by the United States Constitution (Art. I, Sec. 2).

Admittedly, the constitutionality of federal action is debatable. However, many of the changed meanings that have been read into the Constitution throughout American history are much less plausible than this one would be. For those who feel strongly enough about the unconstitutionality of federal anti-poll-tax legislation to pound the table, *U. S. v. Classic* is required reading.

FOREIGN GOVERNMENT AND POLITICS

FOOD FRONT IN AUSTRALIA

HOWARD DANIEL AND MINNIE BELLE

Australian War Supplies, Washington, D.C.

Before the war, Australia was a great food-producing country—in fact, she had, per capita, the greatest food supply in the world—yet there was no one department in the Commonwealth government in which the task of administering that food supply was centralized. No constitutional or statutory basis existed for control by the Commonwealth of food production, processing, and distribution. Agriculture was a function of the individual states, all of whom maintained separate departments of agriculture. Since the export of certain basic agricultural products such as wool and wheat was essential to the economy of Australia, a loosely-knit system of marketing boards affiliated with the Commonwealth Department of Commerce had developed to supervise the sale of these commodities. However, several of these boards, such as the Dairy Produce Board and the Dried Fruits Export Control Board, which had derived their powers originally from special legislation, experienced difficulties because of constitutional restrictions. In 1936, the Privy Council declared invalid a series of marketing laws relating to dried fruits, dairy products, and wheat. Section 92 of the Constitution, which requires free trade among the states, was interpreted by the Council as constraining the Commonwealth as well as the states. Under the wartime emergency powers granted to the Commonwealth by the National Security Regulations of 1939-40, these agencies and many additional similar ones received legal basis.

This pre-war system of marketing control by trade boards under government supervision was expanded to meet wartime problems. Additional boards created under the National Security Regulations to handle the commodities indicated in their titles were the Australian Barley Board, Australian Wheat Board, Australian Rabbit Skins Board, Central Wool Committee, Dairy Produce Control Committee, Australian Hide and Leather Industries Board, and the Apple and Pear Marketing Board. Until Pearl Harbor, the objective in food-control administration was still primarily the preservation of export trade in the face of shipping difficulties and the loss of overseas markets. Australia still had the job of helping to feed Great Britain. Thus these marketing boards continued to assist the government in negotiations with the United Kingdom about price and other conditions of the disposal of products; they advised the Department of Commerce on, or were themselves responsible for, the administration of the various acquisition and purchase plans for Australia's agricultural exports.

After the Japanese entry into the war, Australia became important as an Allied supply base and the objective of food control shifted. The emphasis now was to produce and distribute food for the Allied forces as well as for Great Britain and home use. Now the question was how to get enough food, and of the kinds needed, rather than how to dispose of exportable surpluses. How successfully the food front in Australia has been held is evident from the figures of the amounts of food furnished by Australia to the armed forces of the United Nations in the Southwest Pacific. Every American and Allied service man in this area is being fed by Australia and New Zealand on a ration scale comparable to the basic allowance of the American Army.

An organization to handle this tremendous and constantly expanding food front in Australia could not be created overnight, but, as indicated above, the pre-war nucleus of commodity boards was utilized in the new program. The chief problem of the mobilization of the food front has been the achievement of actual and effective coordination in a government set-up somewhat top-heavy with many separate boards and committees. This was made even more difficult because of the existence of separate state agencies dealing with agricultural problems, and also by the presence in Australia of representatives of the Allied forces who had to be included in any planning of a food program. One coordinating agency had been in existence since 1934—the Australian Agricultural Council, which consists of the state ministers of agriculture and the Commonwealth minister of the Department of Commerce. It provides for continuous consultation among the state governments on the economic aspects of primary production. A permanent technical committee associated with it handles the technical aspects of production, the quarantine of pests, and research. Several factors, however, contributed to the weaknesses of the Council, and prevented its evolution into the major Commonwealth food authority; it is primarily a discussion group which must rely on the individual states for action, and the interests of the states often conflict; its machinery does not permit of any effective national plan for food production.

The Growth of a Coordinated Food Administration. Steps in the development of effective food administration within the government paralleled the changing character of the war. The year 1942 brought the global war closer to Australia, and thus intensified the problems of food supply. In March, a Defense Food Controller was appointed (within the Ministry of Supply and Shipping), who had the responsibility of organizing and controlling all food supplies for the Australian armed forces as well as food for civilians and for export. Radical changes in the character of food production, such as the extensive growing of vegetables for canning and dehydrating, were planned to meet the requirements of the Australian armed forces and later for the American forces stationed in Australia. Additional

factors complicating the food production problem were the growing manpower shortage due to voluntary or compulsory enlistments in the services or the expansion of essential industries, the scarcity of fertilizers, and the over-burdened transport system.

At the end of April, 1942, the Australian Food Council¹ was set up to secure maximum production and plan the allocation of available food supplies. The activities of the existing defense foodstuffs organizations were to be coördinated with those of all other agencies dealing with the production, distribution, and export of food. The Australian Food Council was primarily a policy-making body subject to Cabinet control; administration remained largely the task of the separate departments represented in its membership. Some of the jobs undertaken by the Food Council were at first directed toward the better distribution of food supplies, such as the movement of cattle from northwestern Australia to the southwest part of the state and to Queensland. Later in 1942, production goals for all the principal foodstuffs were formulated by the Council. These goals, stated in terms of the output of each product, made possible the equating of the needs for manpower and agricultural machinery of each sector of agricultural production. State goals were in turn set up, and these were allocated to the districts of each state. Actual implementation of production targets became the responsibility of the district war agricultural committees, organized by the state departments of agriculture; these authorities knew the local conditions and could administer plans for the pooling and allocation of labor, farm machinery, and fertilizer. At this same time, a federal Director of Agriculture was appointed to push the campaign for increased production. Thus an administrative organization evolved on the production end with the federal director at the top and the district committees at the bottom.

Present Food Organization—the Food Executive. A further coördination and consolidation of all the agencies, however, was important for the successful fulfillment of the expanded food program. For example, the provision of manpower for the farms depends on the constant consultation of a chief food authority with other agencies competing for available workers—the Allied Works Council,² the essential industries, and the services.

¹ The Australian Food Council membership includes: chairman, W. J. Scully, minister of the Department of Commerce (which was correctly renamed Department of Commerce and Agriculture at the end of 1942); representative of the United States forces; representatives of the following Australian departments: Army, Navy, and Air, Department of War Organization of Industry (the Australian counterpart of the War Production Board), Department of Health, Manpower Directorate (similar in function to the War Manpower Commission), Rationing and Price Commissions, Council for Scientific and Industrial Research, and other representatives of the Department of Commerce and Agriculture.

² The Australian agency constructing military projects such as airports and roads for the Allied forces in Australia.

This food authority must know the character of the whole food program and have the power to carry through that program. To that end, in May, 1943, a Food Executive was established as a compact cabinet group. A comparable coordinating authority already existed in the Australian administrative structure—in the Production Executive of the Cabinet, which initiates consistent policies to insure maximum economic mobilization for war and civilian needs.

The Food Executive carries on all activities relating to the production, procurement, manufacturing, and distribution of foodstuffs. Its responsibilities cover supplies for the Australian services and civilian population, for the Allied forces in the Southwest Pacific area, and overseas requirements for Great Britain. The chief executive officer is the Controller-General of Food (or, as generally referred to, the Commonwealth Food Controller), Mr. J. F. Murphy, who is also secretary of the Department of Commerce and Agriculture. Several advisory food committees function under the Executive: the Defense Advisory Foodstuffs Committee, which advises on food problems common to the Australian services; the Specifications Committee, which initiates specifications for foodstuffs; and the Food Purchasing Board, which arranges contracts for food for the armed services. The British Food Mission's representatives and the American agricultural and processing experts in Australia advise and consult with the Executive.

Although not specifically identified, two main functional units emerge within the food control organization (see chart on page 714), units which correspond to the two aspects of the food problem—production and distribution. Production is the concern of the Director-General of Agriculture, who, with the assistance of a Director of Agricultural Organization, utilizes the district committees for the carrying through of agricultural production proposals. Distribution is the responsibility of a Deputy Food Controller, who is in charge of procurement, processing, and distribution; he is aided by the defense foodstuffs organizations in the states. The Emergency Supplies agencies, which operate through wholesalers and retailers in all the states, have been incorporated into the new food control organization. For over two years these agencies have stored certain selected foodstuffs to support the population for three months in the event of an emergency.

The Department of Commerce and Agriculture has been somewhat streamlined, and through its representation on the Food Executive its activities are being consolidated with the over-all food program. The many separate marketing agencies which still carry on the acquisition and disposal of the particular commodities under their jurisdiction are likewise coordinated in this set-up, since their membership frequently includes officials from the Department of Commerce and Agriculture or from the Food Executive or its auxiliary committees and boards.

FOOD CONTROL ORGANIZATION IN AUSTRALIA

CABINET

FOOD EXECUTIVE

Australian Food Council	W. J. Scully J. B. Chifley J. J. Dedman F. W. Bulcock	Defense Advisory Foodstuffs Committee
Australian Agricultural Council		Food Purchasing Board
		Specifications Committee
Agricultural Production Section	Commonwealth Food Controller J. F. Murphy	Marketing Branch Dept. of Commerce and Agriculture E. McCarthy
Dept. of Commerce and Agriculture Dir.-Gen. of Agric. F. W. Bulcock	Procurement, Processing, Distribution Section Deputy Food- Controller Claude Massey	
Vegetable Seeds Committee	Director of Agricultural Organization A. R. Callaghan	Food Distribution to Civilians Commonwealth Controller of Emergency Supplies C. E. Critchley
State Departments of Agriculture	Director of Food Manufacture G. Arnott	
District War-time Agricultural Committees	Food Manufacturers	
Farmers	State Food Councils Defence Foodstuffs	Civilian Emergency Supplies Organizations
		Wholesalers
		Retailers

In addition, there are several voluntary advisory agencies such as the Potato Advisory Committee, the Citrus Advisory Council, and the Council for the Australian Pig Industry, which advise the Department of Commerce and Agriculture about the problems of their respective industries. Although there is not a very definite demarcation between the duties of the Marketing Branch of the Department of Commerce and Agriculture and some of the other agencies devoted to marketing problems, the function of the secretary administering the Marketing Branch would appear to be largely residual and supervisory.

The Australian Agricultural Council still functions as an advisory clearing house for the discussion of policies and the making of recommendations to the Commonwealth government and to the state departments of agriculture. The technical and research services of the state agricultural laboratories are at the disposal of the Commonwealth authorities. Thus a centralized and unified governmental structure to plan the production and distribution of food has evolved. This new food control organization has complete authority to fix production quotas, require farmers to grow desired foodstuffs, or discontinue the production of unnecessary crops. Production and use of fertilizers and feedstuffs, and food processing, storage, and distribution are also under its jurisdiction. In exercising its functions, close coöperation is maintained with United States Army food experts, with the Food Committee in London and the Combined Food Board in Washington, and also with Australian shipping and land transport authorities to insure efficient and adequate transport for the food supply.

The method of formulating food goals is a process in which all the authorities in the food production program participate, and before these targets are finally promulgated, they are studied on the Cabinet level. Procedure is not formalized in statute or regulation, but it may be outlined roughly as follows: the Food Executive prepares the goals based on the information of requirements and capacity submitted to it by the Australian Food Council, the Food Controller, and the Director of Agriculture. These goals are considered by the Production Executive of the Cabinet in order to relate the food program to all the economic aspects of the war. The membership of the Production Executive^{*} indicates that the major government ministers concerned are consulted, and others are co-opted when necessary.

^{*} The Production Executive consists of the ministers holding the following portfolios: Treasurer and Minister for Post-War Reconstruction, Minister for Supply and Shipping, Minister for Munitions, Minister for Trade and Customs, Minister for Labour and National Service, Minister for Commerce and Agriculture, Minister for War Organization of Industry, Minister for Transport, and Minister for Aircraft Production.

Not all the weaknesses in administration have been solved. Duplication of functions and personnel still exists. Full coöperation among government departments remains an ideal to be attained. Representation on boards and councils concerned with foodstuffs (except for the Commonwealth Prices Commission) ignores the consumer.

Problems of Food Production. Although this survey is concerned primarily with administration, not all the major problems of the Australian food front can be solved simply by administrative changes, notwithstanding the criticisms and suggestions of the Opposition parties, the United Australian party and the Country party, in Parliament, in the press, and in the electoral campaign of 1943. The available supplies of manpower, fertilizers, and farm machinery, and the prevailing weather conditions, are the very serious factors which determine Australia's success in fulfilling her food commitments to her own people, civilians and those in the services, and to her Allies.

With only three agricultural workers left to do the work formerly done by five, the provision of manpower to raise food is one of the government's major tasks. Service men under 19 years of age, war prisoners, and the women's land army are helping to carry on the farm work. Labor is pooled among neighboring farm groups; the local agricultural committees have developed plans for more effective utilization of the rural manpower available in their communities. The government is exempting from call-up all permanent farm workers and all regular seasonal farm laborers. The withdrawal of some marginal wheat lands from production has released farmers for the growing of vegetables and the production of meats and dairy products.

Fertilizers—superphosphates or nitrogen—are required in large quantities in Australia, and because they must be shipped from overseas sources, are in short supply. Efforts are being made to increase the importations, but because of shipping difficulties and shortages elsewhere, the limited amount available must be diverted to priority crops such as vegetables for canning. There may soon be available a supply of synthetic fertilizers derived from the fixation of free nitrogen in the atmosphere.

The regulation of May, 1943, by which the federal government assumed control of the manufacture and distribution of all agricultural machinery will insure a better allocation of machinery to the most essential sectors of agricultural production. New types of agricultural machines, chiefly those for the quantity production of vegetables, are being secured from the United States, and some Australian agricultural implement factories which had been converted to munitions production are being reconverted to producing certain types of farm machinery. American-made machines such as vegetable cultivators provide models for local manu-

facture. A federally-owned farm machinery pool was established in 1943 and the local committee has control of the allocation of machinery to growers.

Changes in Food Production and Consumption. Although some reports of food shortages in Australia have been untrue or exaggerated, Australian civilian food consumption has changed as a result of the dietary needs of Allied troops. Australians are consuming more mutton and lamb and much less beef, pork, and bacon than formerly. Heavy demands for certain foods by the services, such as for 25 per cent of the orange crop and for the entire grapefruit output, also caused civilian shortages. Only tea, sugar, meat, and butter are rationed, but other regulations control the civilian distribution of certain foods. Only four ounces of coffee may be purchased at any one time. Retail sales of fresh table cream are completely banned. Indirect rationing of meat existed for some time through restrictions on the amounts allotted to butchers or through limitations on the number of days per week when meat may be sold. Beginning in January, 1944, meat was rationed in order to meet the requirements of the Allied and Australian forces and of civilians in Britain and to distribute supplies more equitably in Australia.

Within the past year, much progress has been made in the development of food-processing facilities in Australia. Meat is being canned to conserve refrigerated shipping space. Vegetable canning has greatly expanded, resulting in the production per week of one million cans of Australian home-grown vegetables. Because of this tremendous increase in vegetable growing, an intensive campaign is now under way to produce some varieties of vegetable seeds at home to replace those formerly imported. A Vegetable Seeds Committee, with the Director of Agriculture as chairman, determines the quantity of seeds needed. Vegetable seeds imported from the United States, "lend-lease" canning and dehydration machinery, and the supervision of American food experts have aided each step of the vegetable production process. Dehydration of fruits and vegetables is proceeding rapidly, with thirteen plants working in October, 1943, and others scheduled to begin operations soon. Six meat dehydration plants are in operation, and others are under construction.

One of the most interesting food developments of the war is the growing of new crops to supply food to the native populations of Ceylon and Fiji, the New Hebrides, New Caledonia, and the other islands of the Southwest Pacific. A new area at Wakoolen, on the Murray river in New South Wales, and the Murrumbidgee Irrigation region promise to produce rice from 30,000 acres this year. All of the rice produced or imported into Australia is reserved for the fighting forces and for the Southwest Pacific peoples whose previous food supply from Burma and Java has been cut off

by the Japanese. The people of Ceylon have developed new food tastes to replace rice; they are eating wheat and barley from Australian farms.

Price Control Devices. In order to maintain and stimulate rural production, and to control the rise in the cost of living, the Australian government has guaranteed minimum prices for some commodities and granted subsidies to several important primary industries. Through special boards or through the Prices Commissioner, the Government has guaranteed minimum prices for wool, wheat, hides and skins, potatoes, sugar, flax, and peas. In cooperation with certain states, there are also minimum prices for eggs, milk, and onions. Contract prices fixed for supplies of vegetables and fruits bought for the services has virtually set a lower limit to prices of many fruits and vegetables. However, when the open market prices for vegetables became higher than the contract prices, the government resorted to fixing maximum prices for some fruits and vegetables in the open market as well. Recent subsidies to the dairying and potato industries aim to enable producers to secure labor and to increase production.

Conclusion. The food front in Australia will not be completely won when the victory of the United Nations is assured. In food relief for the peoples of Europe and Asia, Australia will have a significant part. On the domestic front, readjustments of the rural economy will have to be made. The pattern of administration achieved during the war will assist in this twofold task, but only if the wartime powers of the Commonwealth government to deal with agriculture and food distribution are continued. Proposals of postwar reconstruction in Australia are based on a recognition of the need for a national plan, and the creation and execution of that national plan depend on the granting by constitutional amendment of greater powers to the Commonwealth government. Such powers would make possible the achievement of expanded output where necessary, the guarantee of economic security to workers on the land, the storage and disposal of surplus products, and a better standard of living for the people of Australia.

INTERNATIONAL AFFAIRS.

CONSTITUTIONAL DEVELOPMENT OF THE I.L.O. AS AFFECTED BY THE RECENT INTERNATIONAL LABOR CONFERENCE

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Background of Conference Action. Forty-one countries were represented at the twenty-sixth session of the International Labor Conference, held in Philadelphia April 20–May 12, to consider the future rôle of the International Labor Organization and the economic and social policies to be recommended to the governments of member states.² This was the first regular session of the Conference to be held since 1938, the New York-Washington session in 1941 having been a special one.³ As in 1941, there were no delegations from Bulgaria, Finland, Hungary, Rumania, Spain, and the U.S.S.R. Costa Rica, Ethiopia, Haiti, Iraq, Liberia, Switzerland, and Turkey, which were not represented at the 1941 session, were represented by government delegates and advisers, as well as Sweden, which sent a full delegation. The occupied countries of Belgium, Czechoslovakia, France, Greece, the Netherlands, Norway, Poland, and Yugoslavia were represented by complete delegations; also Luxemburg by two government delegates and an adviser.⁴

As compared with the 1941 session, the twenty-sixth was held at a time more propitious to the cause of the United Nations, was better attended both as to countries represented and the number of delegates and advisers present, and was more deeply occupied with specific proposals concerning the future status of the I.L.O. and post-war economic and social problems. The reasons for this were to be found in the events of the two and a half years separating the two sessions. The war had passed

¹ On leave for government service.

² Among the countries represented by delegations was Costa Rica, which was readmitted to the International Labor Organization by action of the Conference. See *Provisional Record* of the Conference No. 2 (communication to the Conference on the subject) and No. 4, p. 14 (report of the Selection Committee), p. 15 (admission of Costa Rica). In addition, Iceland, Nicaragua, and Paraguay sent observers. The Danish minister attended in a personal capacity.

³ For a brief account of the 1941 session, see Smith Simpson, "The International Labor Conference, 1941," in this *Review*, Vol. 36, pp. 102–104 (Feb., 1942).

⁴ Thailand, represented by an observer at the 1941 session, was unrepresented at the twenty-sixth session. Unsettled conditions led to the contesting of the credentials of workers' delegates from the Argentine Republic, Greece, India, and Yugoslavia. In addition, objection was taken by the United South Slav Committee to the delegates appointed by the Yugoslav Government. *Provisional Record*, No. 10, Appendix.

from a stage of desperate defense to hopeful offense; increasing international consideration had been given to preparations for the post-war period; and the agenda of the Conference itself had been shaped to an appraisal of future policies and constitutional development.⁵

Foremost among the questions confronting the twenty-sixth session, and of particular interest to political scientists, was the future constitutional development of the I.L.O. in the whole complex of international institutions. Should the Organization be autonomous or closely related to a general organization, such as that foreshadowed in the Moscow Declaration? If closely related, how closely? Should its scope be expanded? If so, along what lines and to what extent? What action should be taken to increase its effectiveness?

Conference Action. Necessarily, in view of the fluid state of negotiations on the subject of a general organization, certain of these questions could receive no categorical answers. In general, however, it was agreed that the "enormous problems confronting us call for coördination and not for fragmentation in the international field."⁶ Accordingly, a Declaration was adopted, restating the aims and purposes of the I.L.O. as originally set forth in the preamble of the Organization's constitution,⁷ and affirming its obligation "to examine and consider all international economic and financial policies and measures" in the light of their contribution to the "conditions of freedom and dignity, of economic security and equal opportunity."⁸

⁵ The Allied invasion of the northern coasts of France nearly a month after the disbanding of the Conference gave added relevance to the recommendations of the Conference as to post-war policies.

⁶ *Provisional Record*, No. 8, p. 75:1 (Hambro).

⁷ The constitution of the I.L.O. formed Part XIII of the Treaty of Versailles of June 28, 1919 (Arts. 387-427), Part XIII of the Treaty of St. Germain of September 10, 1919 (Arts. 332-372), Part XII of the Treaty of Neuilly of November 27, 1919 (Arts. 249-289), and Part XIII of the Treaty of Trianon of June 4, 1920 (Arts. 315-355). These treaties were made with the various states which were at war with the Allied Powers, 1914-18; different states were parties to them; the articles were numbered differently in them; and 28 states became members of the I.L.O. which were never parties to them. For these reasons, it became convenient to refer to these treaty provisions establishing the I.L.O. as "the constitution" of the I.L.O. and to adopt a uniform numbering of the articles running from 1 to 41. See Minutes of the Sixty-ninth session of the Governing Body, Appendix XVII, p. 165; and E. J. Phelan, "The United States and the International Labor Organization," *Political Science Quarterly*, Vol. 50, at pp. 107-112 (Mar., 1935).

⁸ *Provisional Record*, *op. cit.*, No. 16, pp. ii-iv (text); No. 22, p. 185 (adopted). This language, "examine and consider," superseded the word "scrutinize" proposed by the Office, which evoked considerable discussion in the Conference. See *Future Policy, Programme, and Status of the International Labour Organisation, Report I, International Labour Conference, Twenty-sixth Session* (Montreal, International Labour Office, 1944), pp. 7-10, and *Provisional Record*, Nos. 5-10.

As this responsibility involves relationships with other international organizations, it was provided in a resolution on the constitution and constitutional practices of the Organization that the Governing Body should "take appropriate steps to assure close collaboration with and a full exchange of information between the I.L.O. and any other public international organizations which now exist or may be established for the promotion of economic and social well-being." Such steps, it was suggested, might include: "(a) the exchange of information, views, reports, studies and other documents regarding policies and measures of mutual interest and concern at appropriate stages in their formulation and execution; (b) the exchange of representatives without votes, at meetings convened by this Organization and such other organizations; and (c) the creation and maintenance of such joint committees as may facilitate their effective coöperation."

Further action in respect to matters affecting the regional and industrial development of the Organization was envisaged by the Conference. With "due regard to the Constitution and principles of the Organization, and its competence," the Governing Body was requested to "take effective steps as promptly as possible" to deal with "problems common to a region or to a particular industry" and to report to the next general session of the Conference on "the steps taken and plans for the further regionalization of the Office and of the Organization and for special consideration of the problems of particular industries."⁹ Acting on an earlier proposal by the British Government that the Organization establish industrial committees for the principal world industries, the Conference gave special attention to the possibilities of such committees.¹⁰ An exchange of views on this matter took place in a subcommittee of the Conference, and a report was adopted expressing interest in early action upon it "with a view to defining a policy for the constitution of industrial committees and for translating that policy into action."¹¹ A resolution, proposed by the countries of the Near and Middle East, was adopted, inviting the Governing Body to examine the possibilities of convening at an early date a regional

⁹ Art. 2 of resolution concerning the constitution and constitutional practice of the International Labor Organization and its relationship with other international bodies. *Idem.*, No. 21, pp. ii-iii (text of resolution); No. 35, p. 254 (resolution adopted).

¹⁰ The proposal of the British Government had been made at the ninety-first session of the Governing Body. For a discussion of the proposal by the International Labor Office, see *Report I, op. cit.*, pp. 71-77. For an earlier discussion of the idea, see *The I.L.O. and Reconstruction; Report by the Acting Director of the International Labour Office to the Conference of the International Labour Organisation, New York, 1941* (Montreal, International Labour Office, 1941), pp. 105-108.

¹¹ *Provisional Record*, No. 21, p. iv (text of the report); No. 35, p. 255 (report adopted).

conference of the countries of the Near and Middle East to consider the specific problems of that region.¹²

In a separate resolution, the Conference reaffirmed the international character of the responsibilities of the Director and staff of the Office and the practice of requiring them, upon appointment, to make "a solemn declaration" not to seek or receive any instructions from any authority external to the Organization relative to these responsibilities. The same resolution referred to "the duty of the Members of the Organization to respect fully the international character of the Director and his staff of the International Labour Office and not to seek to influence any of their nationals in the discharge of such responsibilities."¹³

The resolution on the subject of the constitutional practice of the I.L.O., to which reference has already been made, developed from a draft submitted to the Conference by the Office as a basis of discussion. The Office draft was a comprehensive document of nineteen paragraphs dealing with some thirteen subjects, drafted "with a view to consolidating and developing existing practice so as to lay a more secure foundation for the developments contemplated" in the near future.¹⁴ The general subjects with which it dealt included membership in the Organization, financial contributions by member states, the Governing Body's constitution and powers, reports and information, committees, technical and special conferences, regional organization, relationships with other international organizations, complaints concerning the non-observance of international labor conventions, technical and other assistance to governments by the International Labor Office, representation at the International Labor Conference, freedom of speech of members of the Governing Body and delegates to the Conference while engaged in their official duties as such, and the international character of the International Labor Office.¹⁵

¹² *Idem.*, No. 21, pp. iii-iv (text of resolution); No. 35, pp. 254-255 (resolution adopted).

¹³ *Idem.*, No. 21, p. iii (text of resolution); No. 35, p. 254 (resolution adopted).

¹⁴ *Report I, op. cit.*, p. 113.

¹⁵ This resolution therefore dealt with many of the constitutional and operating practices of the I.L.O., current before the war and practices and policies developed during the war. Its provisions concerned not only the internal structure and procedures of the I.L.O. but also its scope and functions and its relations to other international organizations. It did not deal with such matters as the interpretation and revision of international labor conventions and the possible review of the Organization's budget by the Conference. An interesting feature of the proposed resolution, also, was the relatively high degree of attention which it gave to the powers and responsibilities of the Governing Body and Director as compared to the attention which it gave to the Conference.

Among constitutional problems which the Office draft raised was the question whether some of the practices and policies of the Organization developed during the war and included in the proposed resolution were in accordance with the I.L.O.

ous historical and research experience. The discussions within the Political Theory Panel make all this abundantly clear, but the panel would like also for all political scientists to share its concern.

The ultimate issue may be stated in several ways. It may be that one's work in political science proceeds from the metaphysical principles accepted by the investigator as to the nature of man and society, and of the relation of man and society to the universal order, or to God. One group of theorists contends that the great political thinkers have dealt clearly with these issues, while another group would say that metaphysics is little more than a name given to logical thought. Thus some would urge that the essential philosophical position of the student must determine in the end both the kind of investigations undertaken and the character of the results. Not only must the individual study his own framework of thought, but considerable research may be done in showing how conclusions or institutions are correlated with the metaphysical starting point. Those who favor more metaphysical concern in the social sciences would argue that much of the thinness of social science arises from the attempt to by-pass the philosophical issues latent in the examination of social questions. In other words, much of the so-called detachment of social scientists is a product of philosophical ineptitude.

Another facet of this problem is the clash between those who would favor broadly a "theological" approach to politics and those who would accept the now traditional "positivistic," scientific, or liberal technique of social study. One group of theorists would say that a political theorist must be a reasonably good theologian, not only because so much of the history of social discussion has been written in the theological framework, but also because the theological approach clarifies fundamental issues of the nature of man, society, and the universal order. These members offered varying ideas as to what constituted an essentially theological approach to political theory. Their general view was variously challenged by others who held to the traditional approaches of idealist and rationalist liberalism.

However, neither the theological nor the empirical theorist will deny the importance of the study of ethics, values, or principles in politics. Indeed, one of the major tasks of the theorist is to study political ethics, that is, to formulate and criticize values and principles. It is one thing to say that ethics and principles exist, and it is another to say that valid principles or a valid system of ethics can be attained. It appears that most of the panel will agree that valid social and political principles may be attained. Thus the panel for the most part would agree that we can get beyond affective motives in thought to the validity of thought. This proposition is obviously central in the method and purposes of the study of political theory. It is a criticism of that scientific method which rests content after the operations of thought have been described, or which at-

tempts to invalidate an argument by showing that the proponents of an idea are either opportunistic or neurotic. Such a statement is not a criticism of clinical work in the field of politics; it is an assertion that there is more in politics than simply clinical observation.

Some theorists have stressed, in our deliberation, the place of value-free discussions in political science. There was no disposition to deny that value-free inquiry may take place, and one member insisted, for instance, that when one discusses the conditions necessary for the existence of society, i.e., Aristotle's emphasis on political stability, values are not involved. Such conditions for the existence of society are precedent to the realization of any values that may be attained in society. Here is certainly a principle to guide research, but agreement that any particular discussion is "value-free" is not likely to be reached. Much of the same type of argument concerns the issue of recurrence in historical behavior. What does one get when it is shown that in human behavior certain actions tend to recur? It hardly needs to be pointed out that much of the Italian tradition in the study of politics from Machiavelli to the present day operates on the principle of value-free interpretations.

Some contended that the issue in research and teaching discussed by the panel could be described as a choice between the Middle Ages and the nineteenth century. Others challenged both the suggestion that political theorists are limited to that sort of choice and the assertion that there is so sharp a contrast between medieval and nineteenth-century approaches to political theory. Thus, more specifically, if we argue that there is a moral order in the universe, i.e., natural law, and that out of this order the natural rights of individuals emerge, we cannot but regard the nineteenth century as the rejection of the foundation of legitimate government. The democratic tradition, for example, is divided, in this view, between those who would argue that the minority must always bow before the omnipotent majority and those who would see democracy in the self-limitation of the majority and the guarantee of individual rights. The French Revolution, it is argued, has resulted in a perversion of the medieval and Anglo-American tradition of democracy. Such a discussion naturally bears on the type of research that political scientists may do on the history of democracy in the West, or on the problem of reconstructing intelligent political régimes in Europe after the war. We must ask: What is legitimate political democracy?

A further division of thought related to the fundamentals of political theory research concerning the "philosophy of history." Some theorists contend that we need in America a consciousness of the meaning of our history; we need an examination of the American philosophy of history. None of the panel would deny that the individual researcher must know the principles he uses for the interpretation of history, but a difference of

opinion exists as to whether it is proper to state it, for ethical purposes at least, in terms of a philosophy of history. The philosophy of history is thus balanced against an ends-means relationship. In the latter statement, it is argued that a philosophy of history has usually relied on factors outside of human choice, even to an exclusion of any significant human choice in the course of history. If there is to be meaningful political ethics or principles, it must involve choice and results flowing from that choice. In other words, the important factor in social history is not the objective factor but the selection of ends and the selection of means for realizing ends. To some of the panel, it has been clear that research in political thought has been governed to some extent by assumptions that relate either to the philosophy of history or to the choice of ends and means. Often they have been confused.

One way of summarizing the discussion of basic issues is to say that the political tradition of the West must be subjected to close scrutiny in political theory research. The present-day interpretations of democracy, for example, grow out of differences of opinion as to the traditional roots of democratic government. Significant work has been done in recent years which throws light on the continuities of history. While it is obvious that students of political theory will applaud such work, they will likewise insist that more must be done. Whether the post-war reconstruction of Europe is involved, or the relation of Western society to the East, understanding must be based on the intellectual and institutional tradition of these areas. Both a philosophy of history and the issue of ends and means run deep into the tradition of which the student is heir. Americans, of course, must consider and interpret the background of their own political life, but in the future the organization of the world may depend upon a well-understood traditional diversity and upon similarity in primary political values.

The Political Theory Panel agreed generally that there should be usable definitions of political terms. It was agreed that one of the functions of the theorist is to define the concepts of political science. The panel agreed that there is unfortunate confusion on the use of the common and necessary conceptions of the discipline. Some members of the panel thought that there might be, on the analogy of contemporary work in the field of law, a Restatement of Political Science. Others thought of the possibility of a Dictionary of Political Science, though some believed that such would not differ widely from the *Encyclopaedia of the Social Sciences*. The examination of this subject, however, led to the question of the relation of concepts and institutions. The development of modern constitutional theory, the structure of modern ideologies, and a large number of common American political conceptions might be studied in relation to institutions. What relationship is there between concepts, or interpretations of

concepts, and the political arrangements or institutions which have been set up? Likewise, concepts have varied in different philosophical systems, and there is a large field for investigation in the relations of systems of thought, political concepts, and specific institutions. Institutional arrangement in relation to values obviously is another version of the ends-means or philosophy of history problem. On the other hand, issues like fiscal policy and the money issue in American politics, to mention only one, should give political theorists ample opportunity to make a contribution to political science.

The use of concepts or ideas presents another issue which has perhaps as much to do with teaching as with research. Most of the panel would agree that we should study the ancients because they are really modern, because they have something to say to the present generation in the solution of its problems. Plato, Aristotle, Augustine, Cicero, and scores of others must be studied because they tell us something about ourselves, because they make us conscious of the content of our own minds. In other words, because of historical continuity, or because of the essential nature of moral man or the moral universe (or even Satanic man and the Satanic phase of the universe), we must regard the great political thinkers of the past as timeless—at least in part. To show wherein these thinkers are timeless, and wherein they are not, involves the metaphysics we adopt; but it also involves research in political theory for every generation. Modern scholarship continues its labors, and we can almost see a year-by-year change in the appreciation of the past.

Certain members of the panel, however, were careful to insist that there is danger in work of this character. We may take our modern concepts and re-interpret the past simply in terms of what we think today. We may, therefore, as in some works on the Middle Ages, get a fictitious continuity of concepts and theory. We must be sure we understand the relation between concepts and institutions at the time they were developed. It is especially true, according to some, that the study of medieval ideas has been falsified by projecting modern conceptions into the past; the state of medieval times has been discussed as if it were the state of the eighteenth and nineteenth centuries.

The considerations mentioned above suggest that we need today both an integrated vision of society and a more particular examination of the lesser movements in political thought. That the political theorist has a duty in this respect has been repeatedly stressed, and in particular the theorist should analyze other phases of political science for their contribution to the larger end of a comprehensive picture of value and principle in modern politics. Some would say that such an understanding of our times will not come from the method of the positivists; only a theology or a metaphysics of politics can supply it. Certain members of the panel be-

lieve that along with a much greater emphasis on religious thought there should be closer attention to the political utopia as a means of criticism and integration. The political thinker should even undertake the writing of utopias. But no theorist would say that the careful collection and organization of the facts of modern society can be eliminated. The issue arises over the place of such necessary labor in the total scheme of scholarly enterprise.

The integrated view must be related to a variety of views. Smaller or less significant movements in political thinking need, in the opinion of the panel, to be studied carefully. Many movements need monographic studies; the ideas of church groups, of labor organizations, the evolution of the ideas of long-established journals, and those who favor the agrarian or coöperative movements should be studied for their interpretation of political values and principles. In other words, there should be a frontal attack by political theorists and their graduate students on tracing the emergence of interpretations and values in American political society.

In a more specific vein, the Political Theory Panel has concerned itself with the lack of suitable texts of great thinkers, both for teaching and research. The teaching of political theory is dependent on suitable texts in the American and European fields, to say nothing of the problem presented by Oriental and Near Eastern political thought. There is already a committee of the American Political Science Association working on the publication of usable volumes from the writings of distinguished American political thinkers. The panel decided that a small committee should be appointed to draw up a list of the most needed texts from the European field. It is to be noted particularly that changing interpretations of history have brought to light what scholars of previous generations did not do. The older writers neglected by the eighteenth and nineteenth centuries will get their due, let us hope, from those who are students of political philosophy in the twentieth century. The changing but continuous character of social questions makes writers of the past rise and decline in their importance to contemporary life. For example, a number of the panel felt that texts from the ninth and sixteenth centuries were especially needed at the present time. It is hoped, in any case, that the Executive Council of the Association will take some suitable action on the report of the committee of the panel. There should no doubt be a committee of the Association to encourage the publication of European texts in the field of political thought.

After careful study in the Political Theory Panel, the committee¹

¹ The Committee on European Texts is composed of Paul A. Palmer, Kenyon College; Father Wilfrid Parsons, Catholic University of America; Eric Voegelin, Louisiana State University; and J. Roland Pennock, Swarthmore College (chairman).

has brought together a report which indicates the more important and immediate tasks in the publication of European sources. A meeting of the committee was held in Washington at the time of the annual meeting of the Association in January, 1944. A report on the replies received to the committee's questionnaire was considered and actions were taken which may be summarized as follows: (1) The committee tentatively decided to confine its activities to works published before the middle of the nineteenth century. (2) The committee decided that among single treatises the most important for our purposes are: (a) a translation of Bodin, probably abridged; (b) a translation of Marsiglio in condensed or abridged form; (c) a popular edition of the Nugent translation of Montesquieu. (3) The committee also looked with favor upon the proposal to reprint Sidney's *Discourses* and Harrington's *Oceana*, but it felt these to be of distinctly secondary importance as compared to the editions previously mentioned. (4) Under the general heading of "Selections," the committee favored publication of the following: (a) a volume of selections from Bentham's works; (b) selections from medieval political² theorists; (c) selections from Occam, Wyclif, Luther, Calvin, and others, appropriate to a volume on the Reformation; (d) a similar volume on the Counter-Reformation; (e) possibly a volume on the theory of absolute monarchy in the sixteenth and seventeenth centuries; (f) selections from writings on the theory of toleration.²

As a result of the work of the committee, it is clear that there is marked interest in improving the available teaching materials in political theory, and there is also a notable concentration of interest upon a few basic publications such as a translation of Bodin, a popular edition of Montesquieu, a volume of selections from Bentham, and a volume of selections from medieval political theorists. It is to be hoped that the Association and the Research Committee will be able, at least after the war, to bring about the publication of these needed volumes.

Part of the work of the meeting of the Political Theory Panel was a short joint discussion with representatives of the Special Committee on Civil Liberty of the Committee on Government. This discussion emphasized the inadequacy of an approach limited to constitutional law; the problem of civil liberty runs back to the fundamentals of man and society. The defender of civil liberty must examine the principles on which the rights of an individual may be based, and he must defend an order in which it is valid that individuals have civil liberty. Thus civil liberty should be regarded as a special application of many of the problems so far discussed in this report. A number of specific subjects for research were,

² The committee discovered that two scholars have been working on material for a volume of readings in medieval political theory, and has been able to bring the two students together, one of them generously agreeing to assist the other.

however, brought before the panel and the representatives of the Special Committee on Civil Liberty. It was suggested that political theorists might examine the conditions of society and government under which men have civil liberty; that the history of the theory of civil liberty might be examined with profit; and that the Christian and other elements in civil rights should be studied, with some attention to the differences between Protestant and Catholic thought. In addition, examination should be made of the changing content of civil liberty, the relationship of property rights and other civil rights, the effect of industrialism on civil liberty, the supremacy of the civil over the military authorities, the effect of war on civil liberty, the civil rights of members of the armed forces, and the freedom of the press under conditions of press monopoly. These suggestions must be regarded, of course, as illustrative of the general problem, and not as an exhaustive statement of needed research in the relations of political theory and civil liberty.

II. RESEARCH IN AMERICAN POLITICAL THEORY

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It is not difficult to list a considerable number of subjects on which further research is needed. The simple fact is that almost none of the great subjects has been adequately dealt with, even for this generation, and the same can be said for most of the lesser ones. The difficulty lies not so much in an enumeration of worth-while subjects as in consideration of the methods of attack to be employed by the researcher, and even more in the problem (the difficulties of which can be no more than suggested in this article) of the equipment of the researcher.

Modern federalism is peculiarly the contribution of the United States. When Madison and Hamilton were defending the proposed constitution against its critics, one of the major arguments which they had to meet was the contention that the Fathers had created, not a federal system, but a national or consolidated one. So far as recorded history went, the argument of the Anti-Federalists was correct. And when Madison came, in the thirty-ninth *Federalist*, to analyze the nature of the proposed constitution, he freely admitted that the new system was not strictly federal within the traditional meaning of that term. Rather, it was a system partly national and partly federal. But from the point of view of later times it was a federal system, because the term "federal" has come to be attached to the distribution of powers between central government and states which was worked out by the Convention in the summer of 1787. Many other countries have taken this work as a model upon which to build, although

none has imitated it with complete fidelity to detail. We have, then, in this country the arch-type of modern federalism, and it might be reasonable to suppose that we should find here a considerable body of literature discussing the history and theory of such a system. There is, in fact, surprisingly little literature on the theory, or even the history, of American federalism, although a good many books and articles dealing with certain of the problems growing out of the federal distribution of powers have appeared. The subject cries for further analysis, and no single study will close off the field for those students who are interested in the theoretical problems of federal government.

Somewhat the same thing can be said about the separation of powers. True it is that the Founders acknowledged their indebtedness to Montesquieu, to Locke, to Blackstone, to Harrington, and to others who had written on this subject. But again it is apparent that the system worked out in this country bears but slight resemblance to that described by any of the preceding philosophers or jurists. There have been excellent discussions of several aspects of this general problem, e.g., the recent studies of presidential powers and the numerous writings on judicial review, but the general problem of the separation of powers is still lacking an interpreter. Nor is there any history of the theory of the separation of powers in America.

The principle of representative government was certainly not originated in 1787, nor first discussed in the *Federalist*. It is nevertheless true that there is room for a very considerable amount of further analysis of the assumptions underlying representative government as applied in this country and as debated in many constitutional conventions and in a variety of writings. The vastly increased complexity of modern government is a truism with which everyone agrees. It is not apparent that our theory of representation has been clearly analyzed with a view to the consideration of the relative functions of representatives and voters in modern society. It is ridiculous to suppose that Burke or John Stuart Mill said the last word on this subject, and it is unsound to assume that theories applicable to other countries are applicable here, at least without some modification.

The whole cluster of questions which gather about the problem of individualism offers many opportunities for further discussion, and not only such traditional topics as the relation of the individual to various political communities, or of the position of the individual in industrial society, but also the status and political relationships of the individual as a member of various non-political groups. The subject has, to be sure, been attacked in a piecemeal fashion by several scholars; but I should suppose that no one of them has thought that his own contribution was inclusive or, perhaps, even final within the limited range of his objectives. At the present day, the problem of minority rights, and particularly of the civil rights of

minorities, seems of particular importance. Several scholars are at work upon some aspect of this subject. Whether any will deal with the general over-all theoretical issues involved, I do not know.

Scholars dealing with American political thought have been inclined, like most of those about whom they were writing, to steer away from many of the relatively abstract subjects. It is easy to understand why this has been the case; the nature of their materials has inclined them away from the major terms. I venture to suggest that we have made a mistake in avoiding such conceptions as justice and such great problems as the principles of political obligation. Even though the more significant American writings rarely do more than mention them, if they do that, there are assumptions in those writings which need further analysis, and those assumptions should be discussed in terms of the classical concepts of political thought. There are great possibilities for scholars who have the patience and the capacity to probe into the vast area of the implicit in American political thought. Such discussions would, I believe, serve to throw a great deal of light upon the nature of American political thought. We have had too little basic analysis.

There are opportunities for further study dealing with the influence, or lack of influence, of various English and continental movements of thought in the United States. This has recently been illustrated by articles on Benthamism,¹ and on German idealism.² These were, of course, major movements in England and Germany; in this country their influence was relatively slight, and the very slightness of that impact is itself a fact which helps to illuminate the nature and development of American thought. There have been many studies of socialism in America, and especially of Marxist socialism, but all, or nearly all, of them, at least so far as my observation goes, have dealt with the economic aspects of such movements. To be sure, the impact of socialism has been greater upon economic than upon political thought in this country, but again there is an opportunity for a consideration of the non-influence of Marxism upon American political thinking.

And if there is opportunity for a variety of studies dealing with the impact of European thought in America, there is at least as great an opportunity for studies of comparisons or contrasts between European and American developments. There are undoubtedly many areas in which the native doctrinal developments have been both vigorous and important, and where the possibility of comparative study of political ideas has been largely neglected. It has been a serious mistake to write about American

¹ Paul A. Palmer, "Benthamism in England and America," in this REVIEW, Vol. 25, pp. 855-871 (Oct., 1941).

² Thomas I. Cook and Arnaud B. LeVelle, "German Idealism and American Theories of the Democratic Community," *Journal of Politics*, Vol. 5, pp. 213-236 (Aug., 1943).

political thought as though, after the Revolution or the adoption of the Constitution, it had a being which was not only independent of, but not even comparable with, the various developments of political theory in the remainder of the Western World. There may be similar opportunities for a study of comparative political ideas based upon the writings of the Orient, but of this possibility I cannot speak with any authority.

A committee of the American Political Science Association has been working on a plan with the University of North Carolina Press, which originally proposed the scheme, for the publication of a Library of American Political Thought. The plan is that a series of volumes should be published to cover the major American political writings. Each volume would have a special editor, and each would ordinarily be devoted to a single writer. Since few of the major political thinkers in America have written books, it is now extremely difficult for the student and teacher, and particularly for those who do not have a large library close at hand, to consult most of the writings which are of primary importance for their subject. A collection of from fifteen to thirty volumes of this kind, each of substantial size, would go far toward making a large part of the raw material of American political thought readily available. It is unnecessary to emphasize either the importance or the difficulty of selecting from the writings of most of the political thinkers. It will be equally important for the editor of each volume to write an introduction which not only will give the setting of the theorist's work, but also analyze that writing and offer an estimate of its significance. It is to be hoped that the funds to finance this important project can soon be raised.

While I have high hopes for this project, I think that it should also be pointed out that, no matter how successful it may be, it will leave a great wealth of material unconsidered. There are many sources which cannot possibly be compressed within the covers of such volumes as these. Let me give two illustrations.

Many of those who have worked in the field of American political thought have had occasion to make some use of state constitutional convention debates. I think it unlikely that these rich mines will be worked out within the foreseeable future. On most of the major issues that were discussed during the nineteenth century, and for some which are being debated in the twentieth century, they furnish source materials which are as important as they are difficult to get at. But the difficulty of working such mines, and the sheer mass of low grade ore that must be sifted through in order to find the occasional pay dirt, can be no justification for failure to make use of them.

There are many movements which have scarcely been studied at all from the point of view of political theory. Everyone is familiar with at least the general outlines of the slavery arguments, although even this material has by no means been exhausted, but relatively few have done

much work in the many lesser reform movements of the same period, even though it must be evident by now that the effect of these humanitarian crusades was materially to alter the conception of democracy in the United States. There have been studies of the political ideas and agitations of labor groups in recent periods; there has been much less attention to the political thought of the labor organizations before the Civil War; and there are numerous other groups not so easily classified which have at least attempted to affect the course of political action and political thought in the United States.

I hope that I have been able to make it clear that, in my opinion at least, there are great opportunities that the field is open to the talented. It seems to me that more needs to be said about the way in which these various research tasks are to be carried out. We still suffer from the blight of the descriptive textbook. Too many scholars have assumed that they had fulfilled their mission when they wrote summaries of the ideas expressed by the various political thinkers and then put these summaries together in a volume which sometimes resembles a football program containing "the names and numbers of all the players." It may be assumed that accurate summary and description has its place. We do need to know something about the players in the game. But such descriptive listing is at best scarcely more than a beginning. If the study of American political thought is to have the importance either for students or scholars, or for the entire course of political thinking, in America that it deserves, we certainly cannot stop with description or with the cosy task of compilation. The charge of thinness has sometimes been brought against writings on American political theory. It is not a charge lightly to be ignored.

It is a severe, but, I am afraid, a just criticism of the writings of political scientists dealing with this subject-matter that the most stimulating and, taking it all in all, the most valuable history of American thought was written by a professor of English. Parrington's book has many defects, but instead of resting content with pointing them out, we would be much better advised to take both his limitations and his merits into account in our own work. Where, for example, he had almost no understanding of the constitutional tradition and of the history of constitutional institutions in America, where he largely disregarded economic history, where he was frequently neglectful of the many currents which went to make up the climate of opinion in the various periods with which he was dealing, we can, it is to be hoped, improve upon his lack of thoroughness. If his treatment of John Adams is misleading, his discussion of the Federal Convention both inadequate and misleading, and his few pages on the *Federalist* almost a travesty, that is not a sufficient justification for relapsing into dullness. It remains true, in my judgment, that Parrington did give an over-all picture of the character of American political thought

which has vitality and meaning. He had a point of view, one that he frankly stated in his Foreword, and he viewed the entire course of American political and literary thought from that location. His point of view today may seem somewhat naïve, but it had the tremendous merit of being an attitude which was firmly grounded in the thinking of his period. He was a child of, and a vigorous spokesman for, the Progressive movement of the early part of this century. It does not need to be stressed that this movement has been one of the most influential in American thought since the establishment of the Republic. Had he written a purely descriptive (I am afraid this is what too many students mean by "objective") book, it would have been as quickly forgotten as have the many other histories of American literature which are frequently more accurate and invariably less important.

Perhaps I might be excused for taking one additional illustration from the writings of a man who was not a political scientist. I should suppose that many would agree that America's greatest historian was Frederick J. Turner. Turner's interpretation of American history has profoundly influenced not only the thinking of historians, of political scientists, and of economists, but also the thinking of publicists and statesmen. It is, and always was, a partial and a one-sided interpretation. It is of less value today than it was a generation ago, but it still contains, and will continue to contain, elements of importance for any student of American life and thought. Had Turner been content to write monographs, or had he, like so many of his unimaginative followers, been satisfied to repeat the words of the wise men who came before him, he would have been a figure of the second magnitude. Being a man of imaginative power, as well as of great scholarly ability, he left an impression upon American thought which has been equalled by no other historical writer. I am not arguing that every student or teacher of political theory should instantaneously attempt to write essays in the manner of Turner, much less that they should proceed imitatively along the paths that he marked out. I do mean that he furnished an example of the possibilities for the interpretation of the past which few others have had the courage or the ability even to attempt to imitate.

I very much hope that what I have been saying will not seem to be a justification for the free and easy expression of prejudice, or that I am not suggesting that scholars concerned with American political thought are relieved of the necessity of hard and intensive research. Quite to the contrary, my criticism would be that we have usually published before we had done nearly enough hard work. There has, for one thing, been an insufficient utilization of the materials commonly thought of as belonging to other disciplines, particularly economic history, constitutional history, and sociology. I know of no general rules which seem to be applicable here except that I should think it a defensible proposition that almost any

subject in the general area with which I have dealt above needs to be considered in the light of materials drawn from several fields of study. We have all heard much about the breaking down of departmental lines. I wonder whether this cannot be done most fruitfully in terms of particular topics and research problems.

All subjects need to be considered in the light of their times. In the study of American political thought, the climate of opinion in which nearly any problem lives and has its being almost invariably includes the institutional background as well as the intellectual history. The fact that virtually all American political writings that have counted have proceeded out of controversy, that none of great stature has been a detached, systematic, philosophical study (Calhoun's *Disquisition* was both significant and systematic, but it was certainly not detached), makes it even more important that materials drawn from political, constitutional, and economic history be considered along with the ideas that are there being expressed.

A book which illustrates, in one fashion, the sort of writing that I have in mind is A. V. Dicey's *Law and Opinion in England During the Nineteenth Century*. That work, in large measure because of the breadth of its coverage, because it ignores ordinary professional boundaries, and because it deals with ideas in their setting, has a lasting value and a pertinence to the problems of a century with which it does not deal far in excess of most of the books written about current problems. Somewhat the same kind of treatment is found in two quite different articles published within recent years in this REVIEW. Professor F. W. Coker's "American Traditions Concerning Liberty and Property"³ and Professor A. T. Mason's "The Conservative World of Mr. Justice Sutherland, 1883-1910,"⁴ bring to bear upon a particular problem a very considerable variety of factual and theoretical data. The result is, in each case, far more enlightening than it would have been had the author merely summarized a particular book or document. I certainly do not mean to imply that there have been no other and not less worthy examples of a method characterized by breadth of research combined with a discriminating selection of relevant materials. But this paper is not offered as a bibliography. It is a statement of possibilities and needs in the field of American political thought, and the few citations here included are merely illustrative of the rich opportunities which the subject-matter affords.

What I have been saying has also been strongly influenced by my conviction that the greatest need in this country today is a statement of objectives in terms of ideas and ideals. We lack any clear conception of what we are fighting for, or what goals we should seek to attain, even in this country, after the war.

³ In this REVIEW, Vol. 30, pp. 1-23 (Feb., 1936).

⁴ *Ibid.*, Vol. 32, pp. 443-477 (June, 1938).

It may be assumed that scholars who are concerned with the study and teaching of political theory cannot themselves supply all of the needed answers. It does not follow that they are justified in dodging the attempt to aid in this all-important enterprise. The work of the student of political theory must, in part, be a work of selection and interpretation. I do not mean to argue that we should substitute prejudice for objectivity. Objectivity, properly used, is necessary to scholarship; abused, it leads to sterility. The scholar must attempt to discover all of the facts that are pertinent to his problem. He should never neglect materials or data which are not in line with his own inclinations. It does not follow that he should not begin his work with an hypothesis, much less that he should have no conclusions, or that he should not feel free, indeed obliged, to express them. We have been too inclined to hide timidly behind the excuse of objectivity.

Interpretations of the history of political thought and analysis of current winds of doctrine can alike make great contributions to the future course of American democracy. Here lie an opportunity and a challenge which we cannot shirk and yet fulfill our obligations as scholars. So long as research and teaching remain free, we need have no fears of the old bogeymen, propaganda and indoctrination. The only test of political truth in a free country is that stated by Mr. Justice Holmes in his great dissenting opinion in the *Abrams* case: "the power of the thought to get itself accepted in the competition of the market." A truly free market includes the study and the classroom. Scholars also are citizens, as are their students. It has been said that "to teach is to affirm." It would doubtless be unwise, probably even dangerous to the best interests of scholarship and of teaching, to apply the maxim literally and without qualification. It is just as harmful to the best interests of both of these to neglect the important truth which it contains.

III. CONCEPTS AND INSTITUTIONS AS FIELDS FOR RESEARCH

ERNEST S. GRIFFITH

Library of Congress

Research in political theory hitherto has been largely synonymous with searches for the origin, growth, and decline in ideas, principles, and doctrines. Sometimes such research has concerned itself with individual theories; sometimes with periods. Less frequently, it has explored the basic concepts which underlie all theory. Yet it is with these concepts in their various aspects that researchers in theory must inevitably come to grips if they are to obtain precision in their findings. For example, principles to

govern the relations between church and state, between business and government, between law and opinion, rest upon precise definitions of the concepts involved. The principles may indeed be found to be corollaries of such definitions. So also in the more elaborate analyses of democracy, or political processes, or the structure of the good society, or the several elements in an ideal constitution, concepts precisely used are basic.

It will be noted that the adjective used is "precise," rather than "correct." There is a reason for this. More frequently than not, it will be discovered that the creative political theorist has imparted new meanings and new insights to many, if not most, of the admittedly major concepts of political science—meanings and insights which are frequently derivatives of changes in political institutions observed for the first time by the theorist in question. Now concepts of this sort are and can be "correct" only in relation to a given situation in time and place; or, alternatively, in their relationship to the writer's own utopia. In this latter instance, given the writer's set of absolutes or premises, the concepts may indeed be spoken of at least as subjectively correct. For example, many of the absolute concepts in Catholic political theory are obviously of this subjective nature. This statement does not preclude the possibility of their being objectively correct also, although whether they are so or not must find its demonstration in the controversial fields of epistemology and metaphysics.

Unfortunately, most political theorists have thought of their explorations as searches for the correct concepts out of which could be erected absolute principles, dogmatically stated. Therein they have largely gone astray, for they have seldom been aware of the fact that most, and perhaps all, of the concepts they use have been, as has been suggested, derivatives of the institutions of their experience—and these institutions have been products of varied circumstances at a given time and place. Not to under-rate the value of research in the origin and development of a particular political theory or principle, it may be suggested that similar research in the history of the several concepts which go to make up all theories and principles is at least equally important. Concepts such as "justice," "sovereignty," "democracy," are obvious candidates for such research, and many others will suggest themselves. It scarcely need be pointed out that such an exploration should lead the scholar to considerations of those subtle changes which take place when not merely the institutions from which the concepts are derivatives, but also the language in which the concepts are expressed, has changed. Studies of this type—best done thus far in connection with interpretations in English of the terms of ancient Greece—are obviously basic also in the understanding of the Latin medieval thinkers, to mention one group only. In the contemporary scene, I well remember a remark of Thomas Mann to the effect that the concept of

"power" carried quite a different meaning in German (both the language and the culture) than in English. In the former, it was an end, in the latter, a function.

Here and there a political theorist has recognized explicitly the obligation of his theory and his concepts to the institutions of his own time, and has claimed for this theory and these concepts only that degree of validity which comes from a correct analysis of the particular culture pattern of his experience.¹ This suggests another series of fruitful researches, some of which have already been undertaken, but more of which are obviously needed. These researches would center around the contribution to the theorist's finished product of the institutions he observed and experienced as well as of the books he read and the teachers to whom he listened. Such research would pay particular attention to *changes* in these institutions, which are then reflected in changes in the operative meaning of the concepts used to describe them. An approach of this type would lend greater precision to our understanding of even the greatest of political thinkers. If these explorations can probe more deeply and include the total cultural context within which the political institutions operate and a part of which they are, so much the better.

This is not to say that there are no constants among the concepts, that is, concepts whose meaning is or can be independent of time, place, and cultural setting. Yet it is doubtful if concepts of this sort can be found among those deemed the peculiar property of the political scientist. Down through history, our preoccupation as a profession has been with the state, and the state is an institution whose attributes of necessity change with the changing culture of which it is an integral part. If there are to be constants among the conceptual tools of the political scientist, they must be borrowed tools from the social psychologist, the sociologist, the cultural anthropologist, and (possibly) the historian and the geographer. These sister social sciences, unlike our own discipline, at least purport to deal ultimately with basic or universal characteristics of man as an individual and in his social and environmental relationships. In the case of the first three disciplines, many concepts are independent of both time and place; in the case of the geographer, some concepts are independent of time; in the case of the historian, independent of place in so far as a philosophy of history is sought. The change in their meaning from thinker to thinker is an effort to approach nearer an admittedly existing absolute, whereas the concepts of a derivative science like politics in so far as they are peculiar to politics are cultural traits of the period.

It is at this point that the serious researcher in political theory is invited to use these concepts of these other social sciences in order to illuminate

¹ This is the approach used in the author's *Modern Government in Action* (New York, 1942), which lays no claim to permanent truth. Cf. especially pp. 10, 26, 36.

political phenomena—whether of the past or the present. Research armed with such tools can promote better understanding of all the great thinkers. For example, a great book remains to be written on the fashion in which theory as to the nature of man has determined the political theory of many, and perhaps all, the greatest political theorists; and a still greater book can then be written upon how the contemporary insights and findings of social psychology and cultural anthropology sift the permanent from the ephemeral in their political theory. Hobbes, for example, can best be attacked on the basis of the incompleteness, and even the falsity, of his view as to the nature of man—but the tools for the attack are the concepts of the social psychologist, and not the exclusive, or even the primary, property of the political theorist.

Environmental factors, in giving a cast to governments and to the theorists' dealing with governments, are likewise constants among the battery of concepts which the political theorists must and should borrow, in this case from the geographer. These are naturally concepts associated with landscape—lands, the sea, valleys, mountains. They open up a series of researches which can and should have results in political theory of considerably greater validity than the para-science of *Geopolitik*, which attempts to bend them to serve a preconceived end. Some of the major concepts of the sociologist—assimilation and conflict, for example—furnish *foci* of research for the political theorist as he examines their manifestations within the operations of the state. As a matter of fact, power—the one constant among the concepts which the political scientist of late has claimed as peculiarly his own—is essentially sociological in that it is an attribute of organization and human relations wherever found, and not of the state alone.

A further promising avenue for research and precise thinking has to do with the various conceptual *systems* used by political theorists—not only in the past but among our contemporaries. Confusions in classification and fuzzy thinking generally are often traceable to error at this point. It has already been suggested that most that has proved ephemeral in the writings of theorists of the past is probably attributable to the mutability of the institutions which influenced their thinking and the mutability of the larger culture pattern of which these institutions were parts. Still another, and by no means negligible, part of their unsoundness is traceable to a failure either to adopt an internally consistent conceptual system, or, alternatively, to indicate the shifts from one system to another.

A conceptual system must ultimately be derived from classification of a particular attribute of events. "One classifies on the basis of attributes. Material things, for example, are sorted by such things as color, weight, uses, form, substance. Our problem in social science is accordingly to discover attributes of our own peculiar phenomena—attributes which are at

one and the same time distinguishable and significant. If we reduce the phenomena of social science to its integers or simplest forms, these phenomena may be spoken of as 'events'—that is to say, situations or changes of any sort in the relationships between human beings.

"Just as with material objects, each event in the field of human relations may be thought of as likewise made up of a number of attributes. [The word 'attribute' as used includes 'aspect.'] A consistent basis of classification of events must, accordingly, confine itself to different manifestations of a single attribute or type of attributes, which attribute occurs in all the phenomena thus classified. [In certain instances, the presence or absence of a specific attribute may furnish a basis.]"²

In history, for example, it is the time attribute of events, in social psychology, the inborn drive, that furnishes the distinctive conceptual systems of these disciplines. At least six such attributes can be discovered which create as many distinct conceptual systems in political theory.³ These systems arise from considering (1) events pertaining to the state as an institution (the "orthodox school"); (2) events exhibiting the power relationship (Merriam); (3) events which are derivatives of an inborn social instinct or drive—a conceptual system especially favored by the Greeks; (4) those portions of events traceable to an alleged inborn desire for dominance; (5) "To many of the idealists among political theorists, the 'state' is defined in terms such as 'the operative criticism of all institutions' (Bosanquet), while law is abstractly thought of as the incorporation of the community values. Such approaches to political science (or theory) derive from the frame of reference of 'facts and meanings.'"⁴ (6) events classified so as to isolate the social processes of securing adherence to norms and administering groups (Leon Marshall). Doubtless there are other systems which will yield to research, but at least the foregoing are already identifiable as constituting conceptual systems which the political scientist may claim as his own. The fact that so many differing orbits of our subject-matter are implicit in these different systems accounts in large measure for the confusion in defining, not only the scope of our discipline, but even its core. Number 6, for example, which is unadulterated sociology as well as illuminating political science, carries the researcher far afield to organized activity wherever found.

Along quite a different line there would seem to be a happy hunting ground for the researcher in exploring the converse relationship between philosophies and institutions. Usually research in political theory seeks to trace the origin of theories in the experience of observation of institutions by their exponents. Far less research has been done to discover the

² Ernest S. Griffith, "Classification of Social Science Phenomena," *Journal of Social Philosophy*, Vol. 6, p. 231 (Apr., 1941).

³ *Ibid.*, p. 241 f.

⁴ *Ibid.*, p. 242.

normal constitutional expressions of the great schools of thought—liberalism, socialism, communism, fascism, Catholicism. In connection with this area of potential research, attention should be called to a noteworthy similar study by Fritz Karl Mann in which the fiscal systems expressive of these various philosophies were made the subject of investigation.⁵

Closely related to this area of research would be inquiries designed to ascertain how far the breakdown of a constitutional system arises from a gulf between the values behind it and the technology within which the institutional expression of these values must operate. The cultural compatibility of various political institutions and devices with the prevailing philosophies or value systems of the people living under them offers an alternative approach.

Finally, there is urgent need for inquiry into the applicability or appropriateness of *any* of the commonly used conceptual systems in analyzing contemporary political phenomena. If, as has been suggested, the concepts of political science under most conceptual systems are definitely derivatives of institutions in themselves ephemeral and are not constants, then during or following major changes in these institutions we should be on the alert for new or revised groups of interrelated concepts, or even a new conceptual system altogether. Many, if not most, of the concepts with which we are familiar, even at the present day, were in fact merely frequently observed relationships or processes in the state as an institution in former times and under differing circumstances. Such concepts are separation of powers, legislature, executive, judiciary, federalism—to mention a few of the most obvious. If we direct our attention especially to the most frequently used trilogy—legislature, executive, judiciary—we note changes so profound as to render not only their present meaning, but also even their usefulness, suspect. If perchance this trilogy should be a product only of a liberalistic culture, and associated with or appropriate only to such a culture, then the manifestations of organization, administration, and power in all sectors of contemporary society, and especially in government, ought to find as their by-product new ways of talking about government, that is, new concepts in political theory. In another connection, the author has explored this hypothesis more fully, and has suggested that the new political relationships or processes which are basic to the emerging governance of a technological and organizational age are at least six: value adoption, leadership, popular influence and control, planning, adjustment, and research.⁶ In some such pattern lies the true architecture of political theory of the immediate future.

May we summarize? Research in political theory can and should be directed to many ends. Chiefly it has concerned itself with individual theo-

⁵ Mann, *Steuerpolitische Ideale* (Jena, 1937).

⁶ E. S. Griffith, *Modern Government in Action* (New York, 1942).

rists, with schools of thought, and with periods. Without at all underrating the need for further research of these types, a plea is in order for more research at another, and probably more fundamental, level—that concerned with the concepts basic to all political thought. Such research will do much to render more luminous the meanings of even the greatest of the political theorists. A contribution to our science surely fully as great will then be the quests suggested in this article—the quests for the origin, development, changing meanings, and contemporary suitability of these concepts themselves.

IV. POLITICAL THEORY AND THE PATTERN OF GENERAL HISTORY

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I

In speaking of the general history of political ideas, we have in mind the field that is represented with distinction by such treatises as that of Dunning, or Mellwain, or Sabine, or Cook. The problems of this field and their further development are of specific importance for American scholars. For, while the monographic literature on the various phases of this history is international in scope, the general history as such is almost an American monopoly from its beginnings. When Dunning published the first volume of his *History of Political Theory* in 1901, Janet's *Histoire de la science politique dans ses rapports avec la morale* was the only noteworthy competitor. Janet's *Histoire*, however, as Dunning rightly remarked, stresses primarily the development of ethical doctrine; and that was precisely the field which Dunning wished to avoid in order to isolate clearly the development of political, as distinguished from ethical, theory. A science, however, that may be said to have begun with Dunning's work is a young science; and, as happens with young sciences, a field is staked out, while the details are far from being settled. They are even less settled today than at the time of Dunning, because the last two generations have witnessed a prodigious enlargement of our knowledge of historical materials and, at the same time, there has occurred a serious revision of our views concerning the structure of history. It will be advisable, therefore, to begin with a few remarks on the ways in which the development of historical science has affected the more special problems of a general history of political ideas.

The historians of political ideas have followed, on the whole, the "straight-line" pattern of history, according to which the history of mankind moves in continuity through the ancient, modern, and medieval

phases. The idea that human history moves along a straight line is by origin a theological conception, deriving its strength from the Christian belief that mankind moves through a sequence of meaningful phases according to a providential plan of salvation. The pattern was established by the early Christian philosophy of history, in the period from the *Letters* of St. Paul to the *Civitas Dei*. Its empirical usefulness in the post-medieval period was largely dependent on the chance that the medieval spiritual and intellectual contraction of the historical horizon to the Western World would be continued; the belief in the straight line could be maintained as long as the independent parallel histories of non-Western mankind were simply overlooked and the pre-classic civilizations were practically unknown.

By naming the conditions for the maintenance of the linear pattern, we have indicated the sources of its disturbance. The disturbances are connected with the successive breaches made in the closed medieval horizon. The first, and hitherto most important, irruption of new materials—that of classic antiquity—was digested with comparative ease. The straight-line pattern was simply shifted from sacred history in the Augustinian sense to a new profane history. In the practice of writing history, this meant that the Israelitic history as the Western pre-history was relegated to a second plane and replaced by Hellenic history, and that, furthermore, the Middle Ages slipped into the category of the “Dark Ages.” But the ease was comparative only. It is forgotten today that not all humanists of the fifteenth and sixteenth centuries swallowed without resistance Graeco-Roman antiquity as the linear pre-history of the Renaissance. The contemporary Near Eastern events were sufficiently impressive to suggest a construction of profane history on the pattern of parallel streams. We have letters of Poggio in which he shows himself sick and tired of the glory that was Greece and Rome and ranks the military and political achievements of Tamerlane higher than those of Caesar; and Louis LeRoy understood the conquests of Tamerlane as the decisive event which opened the new period of the Renaissance politically and civilizationally. The impression of Asiatic politics, as the model of what politics might be on a grand scale, was considerable at the time; but this tendency to give meaning to the structure of Western history by orienting it toward the parallel Asiatic events was superseded by the shift of the center of politics to the Atlantic, with the discovery of the sea-routes and of America. The linear pattern remained afterwards fairly intact to the time of Hegel.

The generation after Hegel had to grapple again with the problem of parallel, non-Western developments. The first decisive document of the new situation is Bruno Bauer's treatise on *Russland und das Germanentum*, in 1853; the rise of Russia began to influence our picture of European history as one of several parallel streams. The revisionary movement was

accelerated by the gradually increasing knowledge of the Near Eastern pre-classic and of the Far Eastern civilizations. The integration of the new knowledge in a work that gained wide popularity, in Spengler's *Decline of the West*, did not meet with complete approval, because Spengler, setting aside the dilettantisms in detail, was so eager to demonstrate the plurality of civilizational histories that he overreached the mark and neglected the fact that some of these civilizations are not isolated from each other, but are related by the transmission of a considerable civilizational heritage. The linear pattern had to be qualified by insight into the internal cyclical structure of civilizational histories, but it still was empirically applicable to a stream of meaning running in continuity through Graeco-Roman antiquity and the Middle Ages into the modern West; and that stream of meaning was revealed as originating even farther back in the pre-classic Near Eastern civilizations. The revised pattern of history is today used in Toynbee's *Study of History*, of which six volumes have been published.

In what manner do these changes in the pattern of political history affect the history of political ideas? The answer will depend on our definition of the political ideas of which we intend to write a history, and of their relation to the political environment in which they grow. A first answer to these questions could be the assumption that the history of political ideas does not show an internal structure of meaning at all, and that, as a consequence, the historian can do nothing but record ideas concerning political problems in their chronological order. The result would not be a history, if by history we understand the unfolding of a pattern of meaning in time, but a chronological encyclopedia. This assumption has hardly ever been made on principle, but in practice we sometimes find an approximation to it when a historian's desire to be complete becomes stronger than his power to organize a structure of meaning.

Of greater practical importance has been the assumption that only highly integrated systems of thought, like the Platonic, the Aristotelian, the Thomistic, are of real historical significance because only in instances of this type do political thinkers approach a treatment of their topic that can be called scientific. We can make the degree of scientific achievement the standard by which to measure the relevance of a system of thought. If we make this assumption, the pattern of political history would have little bearing on the pattern of a history of political ideas. A tendency in this direction is discernible in Janet's *Histoire*. It originated in a study comparing the moral and political philosophy of Plato and Aristotle with that of modern publicists. The result was the conception of a "true" system of political thought, holding the middle between Platonic moral absolutism and Machiavellian amoral, political technicism. The true middle is represented by the ideas of the Declaration of the Rights of Man and the Citizen, which considers it the function of the state to provide the frame-

work in which man can develop his moral destiny as a free agent. The history of politics since 1500 shows progress in the desired direction. A consistent application of this principle would have required the elimination of all materials which cannot be integrated in a line of progress toward the ideal aim. But such consistency is not to be found in Janet any more than in other historians who make similar assumptions of an absolute standard of political thought. Janet plods conscientiously through history from ancient times to the French Revolution, giving thereby to his work rather the touch of the chronological encyclopedia. The encyclopedic character is particularly marked because the part on classic antiquity, which opens the treatise proper, is preceded by a "preliminary chapter" on China and India, for no other good reason than that the Chinese and Hindus exist; an integration of the Far Eastern body of thought into a general pattern of history is not attempted.

The work of Dunning marks a tremendous advance of methodological consciousness over Janet. Dunning uses the term "political theory" in order to distinguish his principle of selection from Janet's "political science." "Political theory" is every scrap of idea, whether integrated into a scientific system or not, which tends to explain the origin, nature, and scope of the authority of rulership. This wide definition could cover the ideas concerning authority among primitive tribes as well as those produced in the vast stretches of history between the great systematic thinkers. Dunning restricts, however, this liberal definition by confining the meaning of "political theory" more narrowly to those theories which presuppose the idea of a "state," as distinguished from the family and the clan. By this restriction he is enabled to eliminate from the field the ideas of primitives, while retaining all non-systematized theories which deal with the phenomenon of political authority, as for instance, mentioned specifically, the theories of Burke and American political theory. The substitution of "theory" for "science" has, moreover, the advantage of breaking with the prejudice "that formal political science is more a cause than a result of objective political history." A theory is important, not because of the scientific insight which it embodies, but because it is in touch with "the current of institutional development." Hence, the historian of theory will have to depart on occasion entirely from the literary expressions of theory and to interpret the theoretical content of institutions themselves if no other source is available. The history of theory thus is subordinated for its pattern to the structure of political history—with an exception, however, which we have to discuss presently. The pattern of history will be decisive, therefore, for the historians who follow the principles inaugurated by Dunning.

The weak point of Dunning's *History* is the Middle Ages. The weakness is due to Dunning's conception of "progress" in political history. By

progress in politics, he understands the differentiation of an autonomous sphere of politics, and the disentanglement of political conceptions proper from ethical, theological, legal, and other contexts. Such differentiation was achieved by the Greeks (in Dunning's opinion); and it was again achieved in modern history. Political theory is largely an account of this progress; when such progress ceases, the history of political theory ceases. On these grounds, Dunning can eliminate Far Eastern theory from the field, which does little damage to the project of a history of Western political theory because the connections, if any, are thin; but he also eliminates the Near Eastern pre-classic history, which does considerable damage, because a good deal of Western political thought is deeply rooted in the Mesopotamian, Persian, and Israelitic pre-history. The worst, however, was that he eliminated the Middle Ages. His assumption compelled him to declare: "The Middle Age was unpolitic." Medieval theory is political only in so far as it is concerned with the separation of Church and State. "Medieval political philosophy is in fact exhausted when it has propounded a theory as to the relation of secular to ecclesiastical authority." This sweeping statement that the Middle Age was devoid of political history, except in so far as the State was separated from the Church, was hardly tenable in 1901, when it was made; it certainly is not acceptable today. The definition of politics has to be revised in such a manner that we can deal adequately, not only with the later phases of civilizations which show the differentiation of spheres, considered progressive by Dunning, but also with the equally important early phase of a civilizational cycle, in which the temporal power, as in the Middle Ages, is considered one order in the embracing mystical body of Western Christian mankind. The elimination as irrelevant of a phase of history which is in direct and broad continuity with our own, because its structure of political ideas differs from ours, cannot be justified by any standards of scientific method.

The weakness of Dunning's *History* has been corrected, on principle, by Professor Sabine's *History of Political Theory*, published in 1937. Professor Sabine adopts Dunning's principle that political theory is a function of politics and that, therefore, the pattern of a history of theory has to follow the pattern of political history. He does not adopt, however, the principle of "progress." "The substitution of the belief that there is a determinate order of evolution or historical progress for the belief in rational self-evidence displaced an unverifiable idea with one still less verifiable." Neither the conception of an ethically right order, like Janet's, is admissible as a standard of selection from this position, nor an arbitrarily restrictive conception of politics like Dunning's. The historian has to follow with impartial loyalty the structure of theory as it reveals itself in history, whether it reflects the problems of a differentiated sphere of politics, or whether it reflects an undifferentiated complex of community order in-

cluding "morals, economics, government, religion, and law." Applying these principles to the historical materials, Professor Sabine has organized them into three great parts: the Theory of the City-State; the Theory of the Universal Community (from Alexander to the end of the Middle Ages); and the Theory of the National State. With the elaboration of this methodological position, the problem of principles has come to a rest. The structure of a history of political theory is unconditionally subordinated to the structure of political history. From the acceptance of this principle follow the problems which today are the main concern of the historian of political theory: he has to be clear, first of all, about the pattern of history which he wishes to adopt as the basis for the organization of his materials (Toynbee's pattern, or perhaps another one); and, secondly, he is faced by the never-ending concrete task of classifying and adequately integrating the richly flowing stream of new materials.

II

If we accept the principle elaborated in the preceding section, a number of problems will arise from the necessity of harmonizing the history of theory with political history. The following remarks will suggest some points at which such harmony is not yet achieved. The pattern of history presupposed in these suggestions is principally determined by Toynbee's *Study of History* and by the studies contained in the *Cambridge Ancient* and *Cambridge Medieval Histories*. The reader should be warned again, however, not to mistake these modest, casual remarks for a presumptuous list of desiderata for a general history of theory; they simply draw attention to the more or less obvious fact that we possess on the one hand a wealth of monographic studies or special phases of political theory, that we possess on the other hand a knowledge of political history far surpassing the knowledge of a generation ago, and that the historian of political theory, as a consequence, has the fascinating opportunity of trying his hand at bringing the two complexes of knowledge together. This is hardly a feat to be achieved by one man at one stroke; the coöperative efforts of a great number of scholars will be necessary to produce an adequate solution. But we can at least approach the task by pointing to some problems which are typical of the wide field that is opening. The following enumeration of such problems, in chronological order, should not be taken for anything but a list of examples.

(1) Our knowledge of the Near Eastern pre-classic civilizations and of the Hellenistic period is now sufficiently advanced to make it clear that a history of theory can no longer legitimately begin with Hellenic theory. It is duly recognized that the theory of the *polis* ends with Aristotle, and that with Alexander and the Stoa a new type of theory makes its appearance. But there is still some hesitation to recognize the continuity of

the imperial Hellenistic period with non-Hellenic Near Eastern imperial history. Such recognition would entail a resolute break with the linear pattern of history and the construction of the Hellenistic period as an amalgamation of the Near Eastern and Hellenic streams of history. The Mesopotamian, Persian, and Egyptian theory would have to be accepted as a body of thought on an equal footing with the Hellenic, and it would have to be treated with equal thoroughness. The break with the linear pattern of history, however, is not the only reason that would cause some hesitation. The recognition of ancient Near Eastern history would also require a break with the widely accepted conception of political theory as a theory concerned with the explanation of governmental authority. The problems of governmental authority dominate the scene only in those phases of civilization in which the political communities themselves are established and taken for granted. In the initial phases of civilizational cycles, the problems of the community-substance, of its creation, its delimitation, and its articulation, are of equal importance with the problems of source and scope of governmental authority; and the same is true for the periods of political crisis, as for instance the present, when the problems of spiritual disintegration and regeneration, and of the community-creating political myth, come to the fore. The adaptation of the history of political theory to the process of politics would require a well elaborated theory of the ideas concerned with the mythical creation of communities, and of the far-reaching theological ramifications of these ideas. The task is formidable, but not hopeless. We are well equipped today with easily accessible sources, like the translations of Babylonian, Assyrian, and Egyptian sources, published by the Oriental Institute of the University of Chicago; and we possess a wealth of monographic literature, within which should be mentioned, as of particular usefulness to the historian of theory, the great study on the Ancient Orient by Alfred Jeremias.

(2) The formulation of a concept of political theory that will permit us to subsume the phenomena of rising communities, as well as those of the established ones, is perhaps the most important general task. It is indispensable for a more realistic treatment even of systems of thought which seem to be well understood by now, like the late Hellenic. Again, the problem as such is fully recognized. We know that Plato marks, not the beginning, but the end, of Hellenic theory; and we know that his political philosophy is a theory not of the *polis*, but of the lethal crisis of the *polis*. Nevertheless, the understanding of Plato's philosophy as an attempt at a spiritual reform of Hellas and as an attempt to create a new community-substance leaves much to be desired, because the theoretical apparatus that would be necessary for a thoroughgoing analysis of this question is insufficiently developed. Help can be found again in the monographic

literature, particularly in the works of Friedemann and Hildebrandt which accentuate this aspect of Platonic theory.

(3) The treatment of the Roman imperial period will have to undergo a complete revision. The later volumes of the *Cambridge Ancient History*, published in the thirties, have for the first time put at the disposition of the scholar who is not a specialist in Roman history a digest of the otherwise almost inaccessible materials for a history of Roman imperial theory. In addition, there should be mentioned the great monograph on the principate by von Premerstein, which gives new insights into the sacramental coherence of the early Empire through the oath to the *princeps*.

(4) The appearance of Christianity raises again the question of the conceptual apparatus for its treatment. The cautious evasion of religious problems and of the creation of the mystical body of Christ is untenable. If we dodge the question of the *pneuma* of Christ and of its function as the substance of the Christian community, nothing is left of Christianity but the reception of Stoic ethical and legal theory, a few remarks concerning the recognition of temporal authority, and the hierarchy of functions. The substance has disappeared. As a consequence, the struggle between Christianity and the counter-religion of paganism in the late Roman Empire becomes quite as unintelligible as the community problem of the Middle Ages. It will not do to eliminate from the field of political theory the theory of the community within which the structural political problems arise by classifying it as religious. Precisely the so-called non-political ideas, as for instance the eschatological sentiments and ideas, are the great source of political fermentation and revolution throughout Western history to this day.

(5) Great difficulties have to be overcome in the treatment of the Middle Ages. Let us first isolate one of the more manageable problems, that of the migration period. Dunning was still of the opinion that we did not know anything about the political theory of the Teutonic tribes which were the active nucleus in the formation of the Western Empire and of the later national states. The assertion was hardly true in Dunning's own time; it is still less true today. We have the histories of the migration period (Jordanis, Isidorus, Paulus Diaconus, etc.) and a wealth of other sources, as well as a rich modern monographic literature. As a result, we can draw today a solid picture of the Teutonic political ideas which have entered as an integral part into the conception of Western kingship. The gap which mars most histories of medieval political theory, as for instance that of Carlyle, can be closed.

(6) The great problem, however, is a satisfactory organization of medieval materials beginning with the ninth century. We have today two major treatises on the subject, the *History of Mediaeval Political Theory in the*

West by the Carlyles and the *Sacrum Imperium* by Dempf. The two works complement each other admirably; and thanks to them we can see today at least the outlines of a problem and its solution that were rather dark even twenty years ago. The *History* of the Carlyles is an indispensable, encyclopedic mine of information on a vast body of materials; but it is incomplete in so far as the principles on which it is built did not permit the authors to include the body of literature which concerns the vicissitudes of the medieval community-idea. The most serious gap is probably the omission of the Joachitic and Franciscan spiritual literature, which marks the beginning of the ideas of a Third Realm and of possible new mystical bodies replacing the mystical body of Christ. Dempf's *Sacrum Imperium* stresses precisely these aspects of medieval problems, but it is incomplete as a medieval history because it concentrates on the fate of the *sacrum imperium* and, therefore, cannot give sufficient attention to the growth of the institutions and ideas which resulted in the formation of the national states. Both treatises fail to include the body of literature connected with the sectarian movements. These movements constitute one of the important "parallel" streams of history; it merges with the main Western stream in the Reformation and gives to post-medieval politics one of those supposedly "modern" touches due to the elevation to the main level of civilizational development of political habits and thoughts which in the Middle Ages remained sub-institutional. For these gaps we possess, however, a rich monographic literature, amidst which should be mentioned two great American contributions: the studies on medieval institutions by Professor McIlwain and the studies on mystical religion by Rufus M. Jones.

This enumeration of examples has not touched upon the great complexes of the Byzantine, Islamic, and Jewish medieval "parallel" histories and their contacts with Western history; nor has it touched upon the problems of harmonization between the histories of theory and of politics which arise for the modern period. But it is hoped that the list has brought out the methodological principle which must guide us in the formulation of our task. The field for research is wide open; there is no lack of problems, only a lack of strength to deal with them all at once.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Publication of the first official *Directory of the American Political Science Association*, containing biographical sketches of all members, is planned for the current year. Members of the Committee on the Directory are Kenneth Colegrove, Northwestern University, *chairman*; Franklin L. Burdette, Butler University, *editor*; William Anderson, University of Minnesota; John E. Briggs, State University of Iowa; Robert E. Cushman, Cornell University; Frederic A. Ogg, University of Wisconsin; and Leonard D. White, University of Chicago. The editorial expense of the *Directory* has been covered by a grant from the National Foundation for Education. Questionnaires have been mailed to all members of the Association, and it is hoped that every member will send the requested information to Franklin L. Burdette, editor of the *Directory*, Butler University, Indianapolis 7, Indiana. The mail of many members of the Association now in military or government service may not be promptly forwarded. The Committee on the *Directory*, accordingly, desires to request all members of the Association who have knowledge of the addresses of their colleagues in military or governmental service to assist the Committee in forwarding the questionnaire as rapidly as possible to such colleagues. Copies of the *Directory*, paper bound, will be sold to members of the Association at \$1.00 per copy (cloth bound, \$2.00); to non-members, prices will be \$2.00 (paper) and \$3.00 (cloth). Postage will be paid on orders accompanied by remittance, but mailing cost will be added to other orders.

Professor Lloyd M. Short, of the University of Minnesota, is occupied in Washington during the summer with an exploratory study of problems affecting social scientists in the national service. The study is being carried on under the auspices of the Committee on Public Administration of the Social Science Research Council.

Professors James T. Young and Roland S. Morris, of the University of Pennsylvania, have been made emeritus professors of political science as of July 1, 1944.

Dr. Harold W. Stoke, professor of political science and recently acting dean of the graduate school at the University of Wisconsin, has been granted a year's leave of absence and is now engaged in research in the Bureau of the Budget at Washington.

Professor Thomas I. Cook, who for a year and a half has been connected

with the Twelfth National War Labor Board, will return in October to his teaching duties at the University of Washington.

Dr. J. C. Phillips, of the University of Pennsylvania, is serving as fact-finder for the Adjustment Board in the ship-building industry.

Mr. George Fort Milton gave three lectures during the summer session at the University of Chicago on problems of congested areas; and in connection with an institute sponsored by the department of education, Professor C. Herman Pritchett lectured on future forms of international organization.

Mr. Herbert Emmerich has resumed his connection with the University of Chicago as lecturer in political science, subsequent to his resignation from the post of director of the Federal Housing Administration, in order to become associate director of the Public Administration Clearing House.

Professor L. Keith Caldwell, formerly connected with Indiana University, and the author of a forthcoming book on the contributions of Hamilton and Jefferson to administrative thought, has accepted an appointment with the Council of State Governments at Chicago.

Professor Charles E. Merriam has accepted another annual appointment at the University of Chicago as professor on the Walgreen Foundation and will give lectures on the history of American political theory.

Professor Hans J. Morgenthau, of the University of Kansas City, has been appointed for a second year as visiting associate professor of political science at the University of Chicago.

Professor H. Gordon Skilling is on leave from the University of Wisconsin for a year and has become head of the European section of short-wave broadcasting which the Canadian Broadcasting Corporation will set up this autumn. His place at Wisconsin will be filled by Dr. Alfred P. Fernbach, of the University of Virginia.

Professor Lee S. Greene, of the University of Tennessee, has been appointed by the Regional War Labor Board of Atlanta as a public member of labor disputes panels in Tennessee.

Professor Robert R. Wilson, on leave from Duke University for a period of twelve months, is serving as a consultant in the Department of State.

Professor Lane W. Lancaster, of the University of Nebraska, is teaching in the summer session of the University of Alabama.

Professor R. S. McCordock has been granted leave of absence by the Lincoln Memorial University to accept a duration appointment with the historical branch of the Chemical Warfare Service.

Three regular members of the staff of the University of Oklahoma department of government—Royden J. Dangerfield, Oliver E. Benson, and Joseph C. Pray—are now serving as officers in the U. S. Navy.

Lieutenant Edward W. Carter, who has been in service with the U. S. Navy, will return to his teaching duties at the University of Pennsylvania in the autumn.

Dr. William P. Maddox, of the University of Pennsylvania, now in service in London with the Office of Strategic Services, has been promoted to Lieutenant Colonel in the U. S. Army.

Professor Charles M. Kneier, of the University of Illinois, at present in charge of the work in public administration in the School of Military Government at Charlottesville, Va., has been promoted from the rank of Major to that of Lieutenant-Colonel.

Professor Charles B. Hagan, who for the past two years has been visiting lecturer in government at Harvard University, returned in August to his regular duties at the University of Illinois.

Professor Henry Reiff has been appointed chairman of the department of history and government at St. Lawrence University, succeeding Dr. Albert B. Corey, who has resigned to become state historian of New York.

Professor G. Leighton La Fuze, of Stetson University, is teaching at the University of Florida during the second term of the summer session.

Professor A. N. Christensen, at present in Argentina as a Cultural Relations officer with the Department of State, expects to return to his post at the University of Minnesota in the spring of 1945.

Mr. Arthur Naftalin, instructor at the University of Minnesota, has been awarded a Social Science Research Council Predoctoral Field Fellowship for 1944-45, to make a study of the Farmer-Labor party in Minnesota.

Professor Hugh A. Bone, of Queens College, is teaching during the summer at Connecticut College.

Professor W. Leon Godshall, of Lehigh University, is serving as visiting professor at Miami University from July, 1944, to September, 1945.

Dr. Marian D. Irish, of Florida State College for Women, has been appointed consultant and personnel technician for the Governor's Com-

mittee on Governmental Research. She is directing a state-wide survey of all positions on the state pay-roll.

At the University of South Dakota, Dr. R. F. Patterson has been promoted from associate professor to professor of government and director of governmental research.

Dr. M. M. Chambers, formerly with the American Council on Education, and on active duty as an Air Corps officer since 1942, stationed at AAF Technical Training Command Headquarters in St. Louis, has been promoted to the rank of Major.

Dr. Gerhart Niemeyer has resigned his assistant professorship at Princeton University in order to accept a position as head of the School of Citizenship at Oglethorpe University, Atlanta, Ga.

Professor J. Perry Horlacher, on leave from the University of Pennsylvania, is chief of the Wage Analysis Section of the Regional Office of the National War Labor Board in Philadelphia.

Miss Dorothy Shields, formerly of Pennsylvania College for Women, is now director of admissions and professor of political science at Goucher College.

The University of Pennsylvania and Temple University have made available a university scholarship at each institution for the study of public administration. These scholarships are open to any federal employee in the Third U. S. Civil Service Region who holds a bachelor's degree. The initial work in securing them was done by the Philadelphia Federal Council of Personnel Administration, whose chairman is Professor W. Brooke Graves.

The Philadelphia Federal Council of Personnel Administration will hold a three-day conference on federal personnel management at the University of Pennsylvania on October 24-26, 1944. Among participants will be Professors W. Brooke Graves, Charles C. Rohlfsing, Raymond S. Short, Stephen B. Sweeney, and R. Jean Brownlee.

At Ohio State University, Professor E. Allen Helms has been made chairman of the interdepartmental committee to supervise the new four-year curriculum in international studies.

At New York University, Drs. Dale A. Hartman and Ray F. Harvey have been promoted to associate professorships, and Mr. Theodore H. Skinner to an assistant professorship. Professor Harvey has been appointed executive secretary of the program for training personnel specialists in the Division of General Education.

Dr. Emerson David Fite, the first professor of political science at Vassar College, retired in June after thirty-one years of service. Two new members have been added to the department: Frances Priscilla DeLancy (Ph.D., Duke University) and Dorothy Beatrice McCown (Ph.D., University of London), both as assistant professors. Associate Professor Charles Gordon Post is chairman of the department.

Professor Henry P. Jordan, of New York University, gave lectures on Latin American affairs this summer at the Latin American Institute conducted at the University of Wisconsin, at Eau Claire State Teachers College, Wisconsin, and at the Inter-American Workshop, University of Chicago. This winter he will be a guest lecturer on problems of the Caribbean at the New School for Social Research, and also will offer a course on international economic relations at the School of International Cooperation, New York City.

Dr. Paul Dolan, instructor in political science and public administration at the University of Delaware, is now in service with the U. S. Naval Reserve in Omaha, Nebraska.

Mr. John E. Mason, during the past two years with the Agricultural Adjustment Agency, has returned to the Bureau of Agricultural Economics as regional leader for the Appalachian Region, Division of Land Economics, with headquarters in Washington.

The Philadelphia Federal Council of Personnel Administration of the Third United States Civil Service Region will hold a three-day personnel management conference at the University of Pennsylvania on October 24-26. Dr. W. Brooke Graves is chairman of the Council.

At the University of Pennsylvania, a series of weekly meetings, conducted by Drs. J. C. Phillips and Edgar B. Cale, have been held with selected senior students from the Philadelphia high schools and parochial schools for discussion of current problems of Philadelphia's municipal government.

Professor John Alley, of the University of Oklahoma, died suddenly at his home in Norman on May 15, at the age of sixty-nine. He was finishing his thirty-third year as a member of the department of government, specializing in American and comparative government. He held a baccalaureate degree from Harvard and a master's degree from Wisconsin, and had, in addition, done some graduate work in French universities. A veteran of both the Spanish-American and First World Wars, Professor Alley was a Lieutenant-Colonel in the Army Reserve at the time of his death.

The ninth annual session of the Institute of Government was held at the University of Washington, July 24-28. Sectional meetings were devoted to law enforcement, conservation, public welfare administration, veterans' assistance, civic unity, planning and personnel administration, and public library administration.

The seventh annual Oklahoma Institute of International Relations, conducted by a faculty committee under the chairmanship of Professor Cortez Ewing, was held at the University of Oklahoma, June 15-21. The general theme was "Political and Economic Reconstruction of Europe," and lectures were given and round-tables conducted by a number of visiting scholars.

Dr. Robert D. Leigh, former president of Bennington College and more recently director of the Foreign Broadcast Intelligence Service of the Federal Communications Commission, has been appointed visiting professor of political science at the University of Chicago and director of the Commission of Inquiry on Freedom of the Press, whose chairman is President Robert M. Hutchins of Chicago. He will maintain headquarters in New York City; and his post with the FCC has been filled by the appointment of Dr. Charles S. Hyneman, who has occupied a number of other important positions in war-time Washington.

Hon. Summer Welles has signed an agreement with the Harvard University Press to edit a series of some twenty books on the relations of the United States with foreign countries. Donald C. McKay, associate professor of history at Harvard, and now on leave with the Office of Strategic Services, will be associate editor. Present plans call for volumes of 40,000 words, and the first ones are scheduled for publication early in 1945. Announcement of the names of the authors will be made later.

Professor Carl J. Friedrich, of Harvard University, has been director of Harvard's School for Overseas Administration since the first of February, 1943. The School has graduated one class of trainees in the Army Specialized Training Program, Area and Language—Advanced Phase, and two other classes are studying there now. In addition, there have been four classes under the Civil Affairs Training Program of the Military Government Division of the War Department. The staff of the School has been drawn from many departments of the University, and from the experience gained has developed a new sense of teamwork and an insight into the possibilities of integration of the social science disciplines which may have far-reaching effects in post-war university education.

A considerable number of political scientists are serving with American military forces in England. Major Howard Jones (National Municipal

League), Captain M. M. Knappen (Michigan State College), Captain L. D. Gresh (DePauw University), and Captain Harold Zink (DePauw University) are assigned to the Supreme Headquarters of the Allied Expeditionary Force. Major K. C. Leebrick (president of Kent State University) is assigned to the Historical Section; Major H. M. Stout (American University), to the Office of Military Attaché in the Embassy; Major W. P. Maddox (University of Pennsylvania), to the Office of Strategic Services. Majors Arthur Bromage (University of Michigan) and Rodney Mott (Colgate University) are with the training division of Civil Affairs, helping to train officers in our organization. Captain Walden Moore (University of Rochester), Captain A. M. Hillhouse (University of Cincinnati), and Lieutenant W. W. Crouch (University of California at Los Angeles) are on Civil Affairs teams or in the specialist pool.

In the April issue of the *REVIEW*, the work of the Committee on War Studies of the Social Science Research Council was described in general terms (pp. 339 ff.). Recently, this Committee has issued a research outline entitled "The Impact of the War upon the World Position and Foreign Relations of the United States." The aim is not simply to record the diplomatic history of the country during a period of crisis, but to analyze foreign policy in terms of conditioning factors and forces. Thus stress is placed upon economic, social, political, ideological, and "power" phenomena, as well as upon diplomatic events themselves. The Committee envisages the use of this approach in the preparation of the volumes which will cover the pre-war period, the war itself, the peace settlement, and the impact of the war upon the conduct of American foreign relations. The outline mentioned may be obtained upon request, as may others in the same series, from Shepard B. Clough, Secretary of the Committee on War Studies, Social Science Research Council, 230 Park Avenue, New York 17, New York.

An American Association for an International Office for Education (headquarters at 135 West 44th St., New York City) was formed in December of last year to enlist support for the establishment of an International Office for Education. Its officers are: Harlow Shapley, president; James Marshall and George Johnson, vice presidents; Sylvan Joseph, treasurer; and Mary French, executive secretary. The organization supports a proposal to set up a permanent international agency on education, on the assumption that no peace program is complete which fails to place education on a parity with political organization, police, distribution of raw materials, the stabilization of currencies, and raising standards of health. The Association believes that an international organization for education with a permanent secretariat—an international education office—can be an instrument to create healthier relationships between peoples

and, through them, between nations, and that such an agency can materially contribute to the peace of the world by helping to improve educational standards, to clarify educational aims, and to foster intercultural fellowship and understanding.

Authoritative quarterly summaries of parliamentary debates for all English-speaking parliaments are now available as a result of the appearance of the new quarterly, *Summary of Congressional Proceedings, U.S.A.*, published under the auspices of the United Kingdom and Canadian Branches of the Empire Parliamentary Association. Since 1920, the debates of the thirty-three parliaments of the British Commonwealth of Nations, forming branches of the Empire Parliamentary Association, have been summarized by the United Kingdom branch of the Association in a similar quarterly Review—*The Journal of the Parliaments of the Empire*. The *Journal* is supported by parliamentary votes from a number of the different parliaments. It gives each quarter, in some 200 pages, an authoritative and impartial summary of all important parliamentary discussions and legislation covering matters of national, international, and general Commonwealth interest. It is thus a valuable source of information in the field of international relations and comparative government, and for this reason should be available in all important reference libraries and research institutions dealing with the social sciences, especially in view of the deeper and continuing interest of the United States in the British Commonwealth and its member states. The new *Summary* is published under the auspices of the United Kingdom and Canadian Branches of the Empire Parliamentary Association and will be distributed regularly to all members of British Commonwealth parliaments. Matters of general international concern or of special interest to legislators and officials of the British Commonwealth will receive special attention. Both the *Summary* and the *Journal* are published by the Oxford University Press, 480 University Avenue, Toronto, Ontario, Canada. Annual subscription to the *Summary* is \$6.00, postage free (\$1.50 for a single copy); to the *Journal* \$5.00, postage free.

The Servicemen's Readjustment Act and Some Problems of Political Science Instruction. The Servicemen's Readjustment Act of 1944, commonly called the G. I. Bill of Rights, passed the two houses of Congress in identical form on June 13 and was later approved by the President. The provisions relating to education and training of veterans are expected to stand without essential modification, for the duration of the war at least. While it is possible that the policies embodied will be revised when the veteran gets back where he can make himself heard on the matter, colleges and universities can now plan their curricula and guidance programs with

as much foreknowledge as they are likely to get concerning the way the discharged soldier and sailor will fit into them.

The national government will foot the bill for refresher and retraining courses and for the continuation of education interrupted by military service. The benefits of the act are extended to every person (officer or enlisted man, male or female) honorably discharged who saw as much as ninety days of active military or naval service between September 16, 1940, and the termination of the war; but time spent as a cadet or midshipman in a service academy is not counted toward the ninety-day requirement; nor is the time spent in the ASTP or Navy College Training program counted if that course was a continuation of one's civilian education and if the course was completed. Every person covered by the act, regardless of his age, family income, or previous state of academic servitude, is entitled to a refresher or retraining course, and every person whose education was interrupted by his military service is entitled to resume his education. There is a conclusive presumption that anyone who was not over twenty-five years of age at the time when he entered military service (even if he entered in 1898, provided he continued past September 16, 1940) suffered an interruption of his education. The Veterans' Administration is charged with the administration of the act.

The assistance to which the veteran is entitled is fixed by the statute. The government will pay the school or training institution (but not an industrial establishment) a proper tuition, which may be more than is ordinarily assessed upon the student if the Veterans' Administration finds that the customary charge is "inadequate compensation." In addition, the government will pay the other proper fees and assessments, purchase textbooks and other proper supplies, and pay the veteran \$50 a month (plus \$25 a month if he has one or more dependents) to meet his living expenses. But the total cost to be borne by the government will not exceed \$500 for "an ordinary school year."

Subject to the provisions governing the right to resume education as distinguished from the right only to enroll in a refresher or retraining course, the veteran will determine where he shall go to school and what course he shall take. If he can meet the entrance requirements, he may enter any school or establishment which the Veterans' Administration finds qualified and equipped to offer the requisite instruction or training, be it grade school, high school, commercial college, barber college, member of the Ivy League, or even the training program of an industrial establishment. Whatever the veteran does, he must start his training or education within two years after (whichever is later) his discharge from service or the termination of the war, and must complete his course within seven years after the termination of the war.

If he is eligible only for a refresher or retraining course, he is entitled to stay in training at government expense only until the course is completed, or for a maximum of one calendar year; but part-time study may be continued until the equivalent of a year of full-time study has been completed. If he is resuming education which was interrupted by the war, the veteran may stay in school with government assistance for one year plus additional time equal to the period of his service after September 16, 1940, up to a maximum of four years. But the Veterans' Administration may terminate government assistance to anyone who does not maintain a satisfactory record in his training course or in his educational program.

Such are the provisions of the G. I. Bill of Rights. More liberal arrangements for the training, education, and rehabilitation of the disabled veteran are established in earlier legislation (Public 16 of the 78th Congress).

The recent act has significance for political science departments, beyond the fact that a good many of the students can now be depended on to possess their own copies of the familiar textbooks. First is the problem of guidance. The Veterans' Administration has already set up at the College of the City of New York a guidance clinic to help the veteran determine what kind of training or education he wants and needs. When a little experience has been gained from this one, additional clinics will be established throughout the United States (probably one to five in each state), and the service given the veteran at these centers may be extended to include appropriate instruction which will carry him along until the opening of the next class or semester in the course of training or study which he expects to pursue. The STAR centers of the ASTP may prove models for the veterans' guidance and pre-training clinics. If political scientists have some special ideas about the kind of person who should be encouraged to go into government service, seek a place with a research and consulting service, attach himself to a civic enterprise or pressure group, or turn his career in some other particular direction, they will be wise to think the matter out now and lay their notions as soon as possible before the individuals who are to do the counseling in the guidance clinics.

A second matter for political scientists to ponder from now on is the nature of the instruction in government and politics that shall be included in the undergraduate and graduate curricula (in elementary and secondary schools, too, for that matter). It may not be possible to predict accurately what the returning veteran will want and will tolerate; we may have to work out some compromises between what he wants and what we want him to have. This, of course, is a matter of concern to the Association's recently appointed committee on curriculum (Benjamin F. Wright, Harvard University, chairman).

Third is the question of special training for the public service. A great many of the veterans have claims on jobs which they previously held in national, state, or local government. All of them will have preferential consideration for jobs under civil service legislation in the national government and many state and local governments. We can be sure that a great many of the returning veterans will want to move into government positions as soon as possible after discharge. If this interest can be counted on, can we not be sure that training courses, short or long, strictly professional or mixed with liberal subjects, will find takers among the returned veterans? If this is a matter that requires serious thought, the leadership in such thinking ought to come from political scientists. It may be that the Civil Service Commission, the War Manpower Commission, the Veterans' Administration, or some other national organization will advise the colleges and universities as to special training which may be desirable for the veteran (and others) who expect to enter jobs of various kinds in the national service. It is unlikely that they will offer all the advice we need on fitting men for state and local government jobs. Most of the thinking and planning on the latter must be local; it ought to be done through collaboration of faculty people and public officials.

By taking the initiative in such coöperative planning, political scientists can help to assure that veterans who enter the public service will be trained to discharge their tasks competently and with an understanding of the rôle of administrators in a democratic society.—WASHINGTON COMMITTEE OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES¹

COMPILED BY DAVID FELLMAN

University of Nebraska

POLITICAL PHILOSOPHY AND PSYCHOLOGY

William M. Barr; Litt.B., Rutgers, 1928; A.M., Columbia, 1936. *The Philosophy of Woodrow Wilson. Columbia.*

Raymond Francis Cour, C. S. C.; A.B., Notre Dame, 1937; A.M., *ibid.*, 1943. *Catholic Action and Politics. Notre Dame.*

Richard Eugene Curl; A.B., Ohio State, 1939; A.M., *ibid.*, 1940. *The Impact of War on Government Publicity. Princeton.*

Jack G. Day; B.S., Ohio State; LL.B., *ibid.*; A.M., *ibid.* *The Influence of Roscoe Pound on American Jurisprudence. Ohio State.*

Karl Wolfgang Deutsch; Dr. of Law and Political Science, Prague, 1938. *The Economic Factor in Nationalism; A Technique of Enquiry Applied to Some Successors of Central Europe. Harvard.*

¹ Similar lists have been printed in the *REVIEW* as follows: V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929); XXIV, 799 (1930); XXV, 798 (1931); XXVI, 769 (1932); XXVII, 680 (1933); XXVIII, 766 (1934); XXIX, 713 (1935); XXX, 811 (1936); XXXI, 772 (1937); XXXII, 796 (1938); XXXIII, 732 (1939); XXXIV, 767 (1940); XXXV, 752 (1941); XXXVI, 734 (1942); XXXVII, 706 (1943).

Items which appeared in the August, 1943, list are in general classified under the same headings in the present list, and new items have been assimilated to the 1943 classification as far as possible. In cases where classification of an item has been suggested by the institution concerned, the suggestion has been followed. Each item is listed under one classification only.

The lists printed in the *REVIEW* are based on information from departments giving graduate instruction in political science. Often dissertations are in progress in departments of economics, history, sociology, etc., which overlap or supplement dissertations in preparation in political science. Attention is called especially to the following lists: "Check List of Current Researches in Public Administration Reported to the Committee on Public Administration, Social Science Research Council" (mimeographed, most recent edition, January, 1943); "Doctoral Dissertations in Political Economy in Progress in American Colleges and Universities," in the *American Economic Review*; "List of Doctoral Dissertations in History Now in Progress," formerly published by the Division of Historical Research, Carnegie Institution of Washington, but since the 1938 issue as a supplement to the *American Historical Review*; and "Higher Degrees in Sociology," in the *American Journal of Sociology*. Usually one list is published each year. These are in addition to the "List of American Doctoral Dissertations Printed in 1938," the most recent of an annual series published by the Library of Congress; and Edward A. Henty's "Doctoral Dissertations Accepted by American Universities, 1942-1943," the tenth of a series beginning in 1933-34, compiled for the Association of Research Libraries.

- Cletus Francis Dirksen, C. P. S.*; A.B., St. Joseph's College, Collegeville, Indiana, 1926; A.M., Catholic University, 1941. The Relation of Church and State in the United States According to Orestes Brownson. *Notre Dame*.
- Dominic Elder, C. S. C.*; A.B., Notre Dame, 1936; A.M., *ibid.*, 1942. Thomas Paine and His Philosophy of the Common Man. *Notre Dame*.
- Harold L. Elstien*; A.B., Syracuse, 1934. Democratic Tolerance of Anti-Democratic Organization. *Chicago*.
- Gisbert Henry Flans*; Free School of Political Science, Prague, 1936; Dipl. Sc. Pol., *ibid.*, 1939. The Doctrine of the Separation of Powers; An Historical and Analytical Study in Political Theory and Comparative Constitutional Law. *Princeton*.
- Samuel Fox*; Ph.B., Chicago, 1924. Majority Rule and Minority Representation as Provided by the Electoral System of the Limited Vote. *Notre Dame*.
- Stephen S. Goodspeed*; A.B., California, 1936. The Attitudes of Special Interest Groups toward Germany, 1933-1939; A Study in Public Opinion. *California*.
- Martin Joseph Hillenbrand*; A.B., Dayton, 1937; A.M., Columbia, 1938. An Analysis of the Concept of Obligation. *Columbia*.
- Byron Marshall Holmes*; A.B., U.C.L.A., 1934; A.M., California, 1939. Political Nativism. *Southern California*.
- Edgar Kemler*; A.B., Johns Hopkins, 1936. The Deflation of American Ideals: A Study of the Response of Traditional Progressivism to the Conditions of the Fascist Era. *Harvard*.
- Mary Helena Kirsten*; A.B., Wisconsin, 1935. The Political Columnists. *Chicago*.
- Eugene E. Koch*; A.B., Pittsburgh, 1932; A.M., *ibid.*, 1935. Political Philosophy of John Selden. *Pittsburgh*.
- Bernard Kronick*; A.B., California, 1937. Recent American Conservative Thought, 1920-1942. *California*.
- Thomas B. Larson*; A.B., Nebraska, 1937; A.M., Chicago, 1938. A History of Ideas Concerning Legislatures and Representation. *Columbia*.
- Luther J. Lee, Jr.*; A.B., Pomona, 1933. Political Significance of Reconstruction for American Nationalism after the Civil War; A Study in American Political Thought. *California*.
- Lena London*; A.B., Hunter College, 1941. Sources of Ideas of Western State Constitutions, 1830-1860. *Clark*.
- Herbert McClosky*; A.B., University of Newark, 1940. Nationalist Theories of Federalism in the United States. *Minnesota*.
- Thomas Francis Maher*; A.B., St. Joseph's Seminary, Yonkers, 1936; A.M., Notre Dame, 1942. Population and Politics: The Political Aspects of Birth Control. *Notre Dame*.
- Robert Earl Martin*; A.B., Howard University, 1936; A.M., Harvard, 1938. Farm Marketing Quota Referenda. *Chicago*.
- Milton R. Merrill*; B.S., Utah State College, 1925; A.M., Columbia, 1932. The Public Career of Reed Smoot. *Columbia*.
- Charles R. Nixon*; A.B., Oberlin, 1939. The Concept of Civil Liberty; Its Meaning and Development in the United States. *Cornell*.
- William Broderick Pendergast*; A.B., Notre Dame, 1937; A.M., *ibid.*, 1938; 1^{ère} License en Sciences Politiques et Sociales, Louvain (Belgium), 1939. American Ideas on the Limits of the Authority of Government. *Chicago*.
- Lydia na Ranong*; Cert., Bennett College, Sheffield, England, 1936; Dip., École Libre des Sciences Politiques, Paris, 1940; A.M., Radcliffe, 1942. Political Ideals of Modern China. *Radcliffe*.
- Bruno Paul Schlesinger*; Absolutarium in Law, Vienna, 1937. The Concept of Crisis in the Political Philosophy of Jacob Burckhardt. *Notre Dame*.

- Willis Harlow Shapley*; A.B., Chicago, 1938. General Theory of Planning. *Chicago*.
- Charles Louis Smith*; B.S., George Peabody College, 1927; A.M., Vanderbilt, 1930. Civil-Military Relations. *Chicago*.
- David Spitz*; B.S., C.C.N.Y., 1937; A.M., Columbia, 1939. Ideas in Transition; A Comparative Study of the Impact of Totalitarianism and War upon a Selected Group of Political Thinkers. *Columbia*.
- James Benjamin Stalvey*; A.B., Duke, 1930; A.M., *ibid.*, 1931. The Political Philosophy of Daniel DeLeon: A Study in Early American Socialism. *Illinois*.
- Robert L. Stern*; A.B., New York State College for Teachers, 1935. Study of Predictions of Newspaper Columnists in the Newspapers of 1934. *Syracuse*.
- Harry C. Thomson*; A.B., Allegheny, 1933; A.M., Harvard, 1934. Federalism in American Political Thought. *Harvard*.
- William P. Tucker*; A.B., Educ. College of Puget Sound, 1930; A.M., University of Washington, 1931; B.A., Librarian, *ibid.*, 1933. The Social and Political Philosophy of the Farmers' Union. *Minnesota*.
- M. Henry Wells*; A.B., Illinois, 1937; A.M., Louisiana State, 1939. Recent American Critics of Democracy. *Yale*.
- John Higgins Williams*; A.B., Washington and Lee, 1924; A.M., *ibid.*, 1928. The Rise and Decline of the Compact Theory in the United States. *North Carolina*.
- George V. Wolf*; Ph.D., Vienna, 1928; J.D., *ibid.*, 1930. Joseph Popper-Lynkeus as Social Philosopher and Reformer. *Yale*.

GOVERNMENT AND POLITICS OF THE UNITED STATES AND ITS DEPENDENCIES

- Totton James Anderson*; A.B., California, 1930; A.M., *ibid.*, 1931. The Presidential Speech as an Instrument of Foreign Policy. *Southern California*.
- Benjamin Baker*; B.S., C.C.N.Y., 1935; A.M., Columbia, 1940. The Packers and Stockyards Act. *Columbia*.
- Hillman M. Bishop*; A.B., Columbia, 1926. Rhode Island and the Federal Constitution. *Columbia*.
- Helen R. Brooks*; A.B., Radcliffe, 1934; Ed.M., Harvard, 1936. The Apportionment Rule of the United States Civil Service. *Radcliffe*.
- Judah Cahn*; B.S., N.Y.U.; A.M., Columbia, 1942. The Judicial Struggle, 1937. *Columbia*.
- William D. Carey*; A.B., Columbia; A.M., *ibid.*, 1941. A Study in War-Time Federalism. *Columbia*.
- Lawrence H. Chamberlain*; B.S., Idaho, 1930; A.M., *ibid.*, 1932. Sources of Recent Major Legislation. *Columbia*.
- David Gregg Farrelly*; B.S., Springfield College, 1937; A.M., Pittsburgh, 1940. The Senate Judiciary Committee. *Princeton*.
- LeRoy Craig Ferguson*; A.B., Miami, 1937; A.M., Ohio State, 1939. The Quakers in American Politics. *Ohio State*.
- Thomas J. Graves*; A.B., University of Newark, 1937; A.M., University of New York, 1939. Federal-State Cooperation in World War II. *Princeton*.
- Morton M. Grodzins*; A.B., Louisville, 1940; A.M., *ibid.*, 1941. Political Aspects of Japanese Evacuation. *California*.
- Raymond H. Gusteson*; A.B., Morningside College, 1942. Violence in Labor Relations in the Steel and Related Industries. *Syracuse*.
- John D. Hall*; A.B., Union, 1936; A.M., Syracuse, 1938. The Administration of U. S. Territories and Island Possessions. *Syracuse*.
- Rufus G. Hall, Jr.*; A.B., Texas, 1933; A.M., *ibid.*, 1935. American Imperialism in the Caribbean during the Taft-Knox Administration. *Harvard*.

- Merle Kling*; A.B., Washington, 1940; A.M., *ibid.*, 1941. Missouri's Attitude on Foreign Policies as Expressed by Her Congressmen. *Washington* (St. Louis).
- Jerome Machlin*; B.S., C.C.N.Y., 1935. A Study in Protest Politics. *Syracuse*.
- Edwin M. Martin*; A.B., Northwestern, 1929. Influence of Organized Economic Groups on Federal Tax and Tariff Legislation from 1921 to 1933. *Northwestern*.
- F. Graham Matheson*; B.S., Princeton, 1939; A.M., Pennsylvania, 1938. Political Geography of Puerto Rico. *Clark*.
- Willard C. Matthias*; A.B., Iowa, 1936; A.M., Minnesota, 1938. The Formation of Labor Policy under the New Deal. *Harvard*.
- James Erroll Miller*; A.B., Pittsburgh, 1931; A.M., Pennsylvania, 1932. The Negro in Pennsylvania Politics, with Special Reference to Philadelphia since 1932. *Pennsylvania*.
- Walden Moore*; A.B., Harvard, 1922. The American Navy Bill of 1916. *Columbia*.
- Wallace J. Parks*; A.B., Williams, 1932; LL.B., George Washington, 1937. Federal Import Control. *Columbia*.
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BOOK REVIEWS AND NOTICES

Public and Private Government. By CHARLES E. MERRIAM. (New Haven: Yale University Press. 1944. Pp. 78. \$1.75.)

The title of this little volume, one might suggest, does not constrain the author's scope overmuch. But although he warns us in the opening paragraphs that there is government in heaven and in hell, as well as on earth, the discussion confines itself to the mundane sphere. Through this restricted area, however, it cuts a wide swath, without much solicitude for orthodox boundaries.

The author's thesis, if he can be said to have one, is that we should give up our habit of using the terms public and private as absolute opposites and face the fact that it is the function of every organization or association, whether public or private in form, to serve the public good to the best of its ability. Viewed in this light, such expressions as "public utility" or "private enterprise" do not help us much. Nor does the drawing of a straight line between public and private institutions of education. In the latter case, it is merely a matter of the source from which they draw their support, and in the last analysis it all comes from the people. A true differentiation should depend less on what an organization or institution is than on what it does. If it serves the common good with an equal hand and an impartial eye, it is engaged in public government, no matter by what name it may be called.

Government, therefore, is by no means carried on exclusively by those agencies which we commonly call government. A large part of it, in reality, is performed outside this sphere, as Professor Merriam shows. And the associations which do the work, he says, "are the bases of liberty, order, justice, democratic habits and practice, the bulwarks of the republic" (p. 19). Even though he recognizes the danger that they will at times disregard their responsibility to the general well-being, he is convinced that such danger is far less to be feared in a democratic community than in an absolutism. The democratic process is by adjustment and requires endless patience; but in the long run the outcome is "a higher standard of human achievement and happiness" than can ever be hoped from a régime of command and repression.

In this connection the author veers off his main course to drop a blockbuster on the old concept of sovereignty. It seems a waste of good ammunition, inasmuch as this ancient fortress has long since been blasted into ruins by earlier philosophical bombardiers. One may doubt, indeed, whether sovereignty in the Austinian sense ever existed as a reality anywhere. Today it is unthinkable, for although men in the mass will obey without resistance up to a point, this point (as the author says) "must not be too closely approached, or too often—whether dealing with an army,

or factory workers, or government employees, or even professors."

Not all the propositions set forth in this little book are new, but many of them are more cogently expressed here than they have been elsewhere. As a militant defense of the democratic processes of government, written in a lively, entertaining style, with more than occasional flashes of humor, these chapters were well worth writing, and being so, they are equally well worth reading.

WILLIAM B. MUNRO.

Pasadena, California.

The Republic; Conversations on Fundamentals. BY CHARLES A. BEARD.
(New York: The Viking Press. 1943. Pp. 365. \$3.00.)

Here, in these "conversations on fundamentals," the old symposium method of Plato is used to humanize and illumine the most modern instances, and the seminar is fused with the cracker-barrel. While the subject—the American Constitution, the republic based on it, and how both work—is not a new one for Beard, and a student of his writings over thirty years will find the basic theses familiar, the book is worth pondering for three reasons: first, because Beard adopts here a literary form he has not previously used; second, because he has deliberately set himself to write on "fundamentals"; third, because many of the strengths and weaknesses of the recent trends in Beard's thinking emerge more sharply here than elsewhere.

The form of the book was not an accident, but grew out of the convictions of the author. Beard thinks of the essence of democracy, not in populist terms of a mass base and majority will, but in terms of process: "The democratic process, which I prefer to characterize as the constitutional process of proposal, discussion, and adoption or rejection" (p. 327). That is what happens to the ideas in the book: they are proposed, the divergent viewpoints on them are made to confront each other, and they are adopted or rejected in whole or part. What is more fitting, for this man who is at once Hoosier and intellectual and who has sought to renew the strength of his Jeffersonian roots by spending his latter years writing and farming, than that he should present his ideas as an interchange between himself and his fellow-citizens in a town which (despite the libel lawyer's *caveat* in a note at the beginning) seems perilously similar to New Milford, Connecticut?

The intellectual setting of the book is that of the intelligent middle-class in a small town—the doctor and the doctor's wife, the lawyer, the retired senator, the union representative, the old Jeffersonian Democrat, the reactionary and liberal variants of the business man. A few of them, like Dr. and Mrs. Smythe—who carry, along with Beard, the burden of the discussions—take on the roundness of personalities whom we know and

whose minds we have explored. The rest tend to be gods from the machine, brought upon the stage to give their representative viewpoints and having no life otherwise. This is not Beard's fault so much as it is the difficulty of the medium: it has been true of almost every experiment with the dialogue of ideas. It was true even of *A Modern Symposium*, the work of so finished a literary craftsman as G. Lowes Dickinson.

As happens in novels and in plays, the characters in these dialogues are usually the author's foils, but sometimes his spokesmen: and it is not always clear when they are which. Dr. Smythe is the best foil: his scientific training makes him impatient of the slow advances that political science has made—and gives Beard a chance to show the intractable material with which it must deal. His forthright manner makes the discussion saltiest when he is talking, and the style most alive. Judging from this, I should guess that Dr. Smythe sometimes speaks, at least partially, for the author as well as for himself. When Beard speaks, his mood is almost always judicious, balanced, wise. Despite being a fellow-townsmen, he remains a teacher throughout, not in the slightly nasty Socratic sense where the opposition is stripped and humbled, but in the sense of a tolerant guide who takes pains to show that the distant is related to the immediate, and that simple things are far less simple than they seem to impetuous and unreflective minds.

Despite the title, Beard's aim has been less to emulate Plato than to do something comparable to *The Federalist*. "We have," he says (p. 259), "no truly magnificent works on government comparable to *The Federalist* but adapted to our needs and dealing temperately, realistically, and insistently with all that *ought* to be done to bring our government, in a multitude of ways, closer to the ideal purposes set forth in the Preamble to the Constitution." That may well stand as Beard's target. His book is organized, therefore, partly around those purposes (We the People, A More Perfect Union and Justice, Domestic Tranquility and Common Defense, Promote the General Welfare, The Blessings of Liberty) and partly around such concepts as constitutionalism, power, and "the economic underwriting of the Constitution," which are taken from the current discussions.

This gives the book something of a split personality: it is at once a commentary on a text and an original treatise, and yet neither wholly. It suffers also in scanting aspects of the Republic which are not explicit parts of the Constitution, such as the press and radio as political institutions, and the whole new development of the administrative branch of the government. Thus also it deals well with religion from its freedom aspect, but not with religion as an institutional force in American life, as Bryce and André Siegfried sought to do. Yet with these minor faults the book is as good an introduction to American political life, for the student or layman, as we

have in our literature to-day. It has been serialized by *Life* and has thus reached into millions of American homes otherwise innocent of sustained and exacting political thinking.

But the book has also received another and more disturbing accolade: along with a few others which had been recommended for widespread Army distribution by the Council on Books in Wartime, it was recently put on the banned list by Army authorities under the act of Congress prohibiting election propaganda among soldiers. I can guess how much pain this gave Beard, and—for myself—I cry out against the injustice of it. Whatever strictures I have applied to Beard in the past, or may add in this review, I find it impossible to think of him as in any sense a political partisan or propagandist. His errors are more likely to be those of Olympianism rather than of partisanship, those of geologic time rather than the short view.

Let me give a single instance which will serve as illustration for many others. In the chapter on "Freedom of Speech and Press" (pp. 150, 151), the author poses the familiar question of why America and Britain have built up a stronger civil-liberties tradition than other nations. His answer runs in the doubtful, if suggestive, terms of protection by two oceans in one case and a Channel in the other. Then he asks why civil liberties have become more periled recently, and why they are nearly always in jeopardy. His answer runs in cosmic terms: "There seems to be in the human spirit an eternal conflict between the passion for liberty and the passion for authority." This may or may not be so: it is a long thought that men have mooted since the Greeks. But Beard omits the short-run forces: the pressures from economic power within the social system, the threats from financial aggression which play upon the vulnerable passion for authority. Since he never explains how fascism came to crush civil liberties elsewhere in the world, he misses a chance to shed light on how it might some day do the same in our Republic. Thus one often misses a dynamic sense in the book: much of it has come down to a brooding over essences.

It would take a long article to examine critically the recent trends in Beard's thinking. One might, with some precision, call them conservative. Obviously, I do not mean here that Beard has become a partisan either of the Republicans or of the National Association of Manufacturers: actually, there are more and sharper digs at the stupidities of *laissez-faire*, and at what Holmes might have called the "delusive exactness" of the separation of powers doctrine, than at their political opposites. Nor am I referring to what a superficial reading might set down as an anti-internationalist chapter on "The Republic in the World of Nations," which is actually a cry *de profundis* on a subject that has been near Beard's heart for a decade, and which comes closer to a pragmatic internationalism than appears on the surface.

I mean something different. Let me state some of Beard's examined and unexamined major premises somewhat as follows. (1) He regards our constitutional framework as adequate for the future. (I should say yes, provided we know how to use it). (2) He believes that we shall somehow stumble through. (I trust so, but doesn't this come close to "history as an act of faith"?). (3) He believes that change would be more important if it came in "our manners, morals, and instruments" than in our basic economic institutions. (I say it is terribly difficult to separate the two, and the important historical changes come in both). (4) He believes we shall have to work out our destiny primarily within our own borders, and not in the world arena. (Where two areas are interrelated and both crucial, I refuse to choose.) (5) He has grown too mellow to seek with zest either causes or remedies in human affairs. (I envy him, but disagree; we shall never know final causes or complete remedies, but we have to take hold of the handles that offer themselves).

Finally, he is caught in what I regard as the crucial intellectual dilemma of the conservative position. He believes (as Sir Henry Maine did) that the social heritage is fragile, and that we must walk warily lest we destroy it. Yet he also believes that the social and human heritage is tough, and defies most attempts to change it.

MAX LERNER.

New York City.

The Role of the Supreme Court in American Government and Politics, 1789-1835. By CHARLES GROVE HAINES. (Berkeley and Los Angeles: University of California Press. 1944. Pp. xiii, 679. \$6.00.)

Professor Haines' *The Conflict over Judicial Powers in the United States to 1870*, published in 1909, indicated his early interest in the American judiciary and its unique powers. This was followed, in 1914, by *The American Doctrine of Judicial Supremacy*, which, revised and enlarged in 1932, remains the most authoritative treatment of the subject. The present work deals primarily with the personal beliefs and political attitudes which influenced the early justices of the Supreme Court of the United States in their decisions and opinions in cases involving governmental policy and individual rights.

Recognizing that in the writing of history, as in the administration of justice, a completely non-partizan attitude is impossible, the author frankly avows a belief in the fundamental ideals of self-government. After exhaustive research, he strives to present impartially the arguments of both sides. As the work of the Supreme Court, from the aristocratic and nationalistic viewpoints, has been adequately treated by competent historians, he aims to give more extended consideration to the critics rather than the defenders of the Court. This extensive volume clearly shows that he has faithfully adhered to both objectives.

In Part One, Professor Haines deals with the fundamental matters of "The Relation between Constitutional Law and Politics," "Political Parties and Divisions during the War and the Critical Period and Their Influence on the Process of Constitution-Making," and "The Issue of State versus National Sovereignty." Of special value is his discussion of "The Federal Constitution: Supreme Law or Political Document," "The Process of Interpretation," and "The Importance of Postulates or Assumptions in Legal Analysis and Interpretation."

Part Two, "The Supreme Court under the Federalist Régime," justifies the author's statement that "the extent to which the members of the Supreme Judiciary and the tribunal itself have participated in and have influenced the political and partisan activities of the time has, in my opinion, received inadequate consideration."

Part Three, "A Federalist Supreme Court under Republican Administrations," is of great significance. Despite the popular mandate which had placed the Republicans in control of the legislative and executive departments, the Supreme Court, under Marshall's leadership and with his process of interpretation based upon postulates and assumptions, developed the doctrine of judicial supremacy and applied it increasingly in accordance with nationalistic and conservative principles. Part Four reveals a similar situation, with increasing attacks upon the Court.

Part Five, "The Decline of the Authority and Prestige of the Supreme Court," begins with Jackson's first administration. The final chapter, "Political Phases and Implications of the Marshall era of Constitutional Interpretation," is largely a review of the relations of the Court and its members to the development of American political and economic doctrines. Marshall, despite his personal integrity, was a strong partisan, and his political and economic views inevitably influenced his judicial opinions. "Thus, he was at once a statesman and a judge. . . . Continuing the work of Washington and Hamilton, Chief Justice Marshall transformed a document essentially confederate in nature into a charter for a national union." As a strong conservative, he believed in protection of property rights, and this view is reflected in his judicial opinions. Most important of all, when the Court came under the control of Jacksonian Democracy, while some important changes were made, the constitutional structure created by Marshall was not destroyed or seriously undermined.

This volume will take the high rank of the author's earlier works. It will not be easy reading for the layman, but is indispensable for students of law, history, and political science. While it may disturb those who have venerated the Supreme Court as a tribunal which has developed our Constitution uninfluenced by personal, social, or political factors, it affords a much more realistic picture of its great achievement.

ISIDOR LOEB.

Washington University.

American Diplomacy in Action; A Series of Case Studies. By RICHARD W. VAN ALSTYNE. (Stanford University Press. 1944. Pp. xvi, 760. \$5.00.)

The purpose affirmed by the author of this book is to break away from the chronological and vaguely deterministic stereotypes of diplomatic history and "vitalize" the subject "by presenting it as a series of related instances, or cases." To this end, the author submits the record of our experiences in diplomacy from 1783 to 1944 to a novel organization and critique. He divides his book into three main parts: "Security and the Monroe Doctrine" (442 pp.), "Expansion and the Concept of Manifest Destiny" (164 pp.), and "Neutrality and Isolation" (82 pp.). Each of these basic objectives of policy is introduced as a functional principle of American diplomacy, as apposite to the present-day war aims of the United States as it was to the historical circumstances that gave it origin. Each objective is then examined regionally, topically, and chronologically. For example, Part I, "Security and the Monroe Doctrine," is subdivided into five sections dealing, respectively, with continental security, middle American affairs, hemispheric security, collective security, and freedom of the seas. Each regional or topical subsection comprises from three to nine narrative chapters arranged in chronological order.

The strength of the book is its effort to examine our foreign policy as a functional part of a living organism rather than as a mass of tradition and precedent. Its weakness lies in the execution of this altogether admirable plan. Instead of "A Series of Case Studies" showing us how particular decisions of policy evolved through the various political pressure groups, governmental institutions, and personal negotiations that constitute the democratic process, the author's chapters fall all too easily into the very grooves of diplomatic history he sets out to avoid. They consist of a series of historical surveys that compete at a disadvantage with the special studies on which they are based. They are too brief to substitute individually for the writings of such topical specialists as Dexter Perkins, Tyler Dennett, and Julius Pratt, and, in the aggregate, too elaborate in methodology to rival the clarity of text, presentation, and documentation of the general studies of Bemis and Bailey.

A. WHITNEY GRISWOLD.

Yale University.

As We Go Marching. By JOHN T. FLYNN. (Garden City, N.Y.: Doubleday, Doran and Company. 1944. Pp. viii, 258. \$2.00.)

As We Go Marching presents a critical analysis of the attempts to deal with economic problems in America in the light of similar attempts in the fascist nations, particularly in Italy and Germany. The author is concerned with showing the similarity of the fascist solutions for economic

ills with those solutions adopted during the Roosevelt administrations. He employs the following definition of fascism: "... fascism is a system of social organization which recognizes and proposes to protect the capitalist system and uses the device of public spending and debt as a means of creating national income to increase public employment." Out of this in due season arise the planned economy, dictatorship, militarism, war, and imperialism.

Anyone familiar with the writings of John T. Flynn knows that he presents an argument cogently, clearly, and convincingly. The average reader, upon completing a perusal of this book, must feel uneasy, to say the least, about the future of America. Anti-Rooseveltians will say that here are exactly and accurately put the contentions they have been trying to make all along.

The careful student of politics, acquainted with the long history of events and the complicated nature of the causes leading to fascist dictatorship, will undeniably feel that Mr. Flynn's diagnosis is all too simple. This will not, however, disturb Mr. Flynn, for he believes that professors, one and all, are people of bad judgment. As a vigorous partisan, Mr. Flynn set out to make history prove his case against the New Deal. He performs the job very cleverly. Yet he neglects the important fact that other ingredients can be found in the background of fascism than deficit spending, important as that may be. Deficit spending may be an immediate cause, but a people with a long history of freedom do not readily fall victims to the blandishments of dictatorship. True enough, every nation must be on its guard and should not take its democratic institutions for granted; in this uncertain world, no human institution is absolutely secure against the evil or misguided aims of mortal men. Long years, however, of misgovernment, of authoritarian absolutism, of the teaching of erroneous political philosophies, and of the practice of undemocratic political habits precede the coming of totalitarianism.

Mr. Flynn neglects to say why France, long accustomed to unbalanced budgets, did not succumb to fascism; why Switzerland, accustomed to granting its executive authority great discretion in the enforcement of law, did not go fascist; why the Scandinavian countries, with a long practice of state partnership in industry, social security legislation, and even a fair degree of planning, did not go fascist. These, according to Mr. Flynn, are all elements that go toward the making of fascism.

Mr. Flynn's thesis is weakened by the over-statement and the misstatement of many points regarding our own government. He should know the elemental principle of constitutional law that the Congress has not enacted legislation on "the general welfare clause," there being no such universal clause in the Constitution. He should know that, regardless of the contention in certain quarters, the congresses between the years 1933

and 1939 were not rubber-stamps, and that an objective examination of the record will prove this point. He should know that the principles of the Reorganization Bill were not advocated initially by "that man in the White House," but had been advocated by President Taft and other presidents since his time. Finally, he might be persuaded that the motives of Congress in eliminating the National Resources Planning Board were not altogether pure and heaven-blessed; surely, Mr. Flynn is realist enough to know that.

JEROME G. KERWIN.

University of Chicago.

State and Local Finance in the National Economy. By ALVIN H. HANSEN AND HARVEY S. PERLOFF. (New York: W. W. Norton and Company, Inc. 1944. Pp. vii, 310. \$3.75.)

Professor Hansen's general ideas on national fiscal policy have come to be well known and widely debated. His approach to the subject was conditioned by his earlier studies of business cycles. He believes that the objective of public policy should be to eliminate the wide swings from boom to depression and back again. Put more constructively, the purpose should be to maintain high levels of employment and income under conditions that will permit of the continuous expansion of production with a consequent steady improvement in standards of living. Public authority should assume a positive responsibility in this matter and should use powers to tax, to spend, and to borrow for these ends. A public debt is not to be feared if a proper ratio or balance can be maintained between the total income of the people and the debt.

In his present work, written in collaboration with Harvey S. Perloff, he brings these ideas to bear on state and local finance. At the outset, he analyzes the position of state and local financing in wartime and in the post-war period, shows the inequalities that exist among the states with respect to their ability to provide for essential services, reveals the defects in state and local tax systems, and points out the perverse tendencies in state and local finance. This refers, of course, to the tendency of state and local governments to borrow and spend heavily in boom times when they should be paying off debt and retrenching, and then in times of depression doing what they should do in times of boom. He summarizes also the best available materials as to the modernization of local government, the establishment of larger administrative units, the re-allocation of functions, and intergovernmental coöperation. The objective that he sets is to enable state and local governments to give more service, to increase the efficiency of the economic system, and to develop the resources available for production.

Whatever improvements may be made along these lines, he sees that state and local governments do not have the fiscal freedom or the capacity

to achieve all that would be desirable. National aid to state and local governments will be needed. This should be devised so as to underwrite minimum service standards in all parts of the nation.

The last four chapters bring us to the heart of the matter. Here the authors outline a series of model budgets for the nation based upon an assumed national income running from 125 to 150 billion dollars per year. In the discussion they show how the taxation, expenditures, and borrowing of the national government should be adjusted to the tempo of private investment so that the national fiscal power will be used to maintain a high level of production and improvement without permitting either slumps or feverish booms. State and local financing, while obviously less important, is also outlined so as to show how it should fit into an over-all fiscal plan. Here will be found discussion of new credit measures for state and local governments, capital budgets, reserve funds, long-range public work planning and programming, and the principles of a better over-all tax structure. Students of state and local finance will get from this book a new view of the importance of their subject and of its relations to the national economy as a whole.

Professor Hansen has been under attack because of his attitude toward the public debt. He has been charged with being entirely indifferent to a continuous increase in public indebtedness. In an appendix, written as a reply to Harold G. Moulton's *The New Philosophy of Public Debt*, he quotes at length from his other writings to correct the record. Underlying this controversy is the old conflict between individualism and collectivism, between what Professor Hansen calls "traditional thinking" about public finance and "modern fiscal theory." In Professor Hansen's view, state and local expenditures that increase public services, improve the efficiency of the economic system, and raise standards of living are not unproductive. The fact that they are financed by taxation rather than by prices or charges, in his judgment, makes no essential difference.

WILLIAM ANDERSON.

University of Minnesota.

Municipalities and the Law in Action. EDITED BY CHARLES S. RHYNE.
(Washington: National Institute of Municipal Law Officers. 1944. Pp. 553. \$10.00.)

This volume is really the sixth "year-book" of the Institute of Municipal Law Officers under the title *Municipalities and the Law in Action*, publication of which began in 1938. In effect, it constitutes the proceedings of the 1943 War Conference of the Institute, but actually it includes much useful material only summarized at the Conference and deletes much of the useless talk which mars so many conference proceedings when reported verbatim.

With the exception of two or three general addresses which are reported and the high spots of some of the discussions, the volume consists of individual studies and reports of special committees on problems affecting cities during the second year of the war. Some of these problems, however, are inherent to local government and are of continuous concern.

Naturally, the reports and studies differ in thoroughness and worth, although probably the estimate of a reviewer will be influenced by his own particular interests. To be of value, a review should note some of the more outstanding subjects presented. As might be expected, the reports are written from a legal point of view, but not narrowly so. To sample the twenty-seven specific questions discussed, one finds: "Absentee Voting by Members of the Armed Forces in 1944 Election," "Municipal Taxation of Federally-Owned Property," "The Philadelphia Revenue and Wage Tax," "The War Labor Board Has No Constitutional Authority over City Employees," "Civil Liberty in War-Times," "The War and Municipal Bonds," "Rehabilitation of Blighted Areas as a Post-War Measure for Cities," and "Analysis of Statutes and Ordinances Establishing Post-War Reserve Funds—Municipal Experience and Legal Problems." These reports are not in the nature of generalizations, but are usually statements of specific problems, citations of pertinent court decisions, and in some instances drafts of recommended ordinances and statutes.

The report of the president of the Institute, Mr. Horace H. Edwards, city attorney of Richmond, Virginia, adds considerable value to the proceedings by listing the numerous additional reports made available to members of the Institute as routine activities, and which cover another score of problems ranging from the priority of federal over a city's lien for real estate taxes to the liability for injury to or damage to a WPA worker on a city-supervised project.

The proceedings will be of large value to local administrative officers and to certain types of civic agencies. Their usefulness to instructors in government will be confined largely to those concerned with practical aspects of public administration. For these groups, the volume affords another of the few sources to which to turn when facts are required on a problem of local government.

LENT D. UPSON.

Wayne University.

Building Regulation in New York City. By JOSEPH D. MCGOLDRICK, SEYMOUR GRAUBARD, AND RAYMOND J. HOROWITZ. (New York: The Commonwealth Fund. 1944. Pp. xv, 743. \$4.50.)

Discussions of administrative law frequently revolve around the spectacular, and so generate more heat than light. Such discussions are apt to lay almost exclusive emphasis on the sins of omission, and particularly of

commission, of the federal government. The Commonwealth Fund has long refused to join the emotional excursions into the field, but has built up, step by step, an important series of studies on the work of federal and state administrative agencies. It has been concerned with the powers and processes by which certain agencies of governmental administration create and enforce their rules. Now the Fund has continued its wise course of investigation by extending its field to the administrative procedures of certain municipal organizations whose work is frequently not spectacular or controversial, but which constitute an important part of the essence of the governmental process.

The present study is concerned with the organization and operation of the agencies of government which regulate the construction and maintenance of buildings in the city of New York. The essence of the study is the degree to which the administrative agencies charged with the enforcement of the law relating to the construction and maintenance of buildings in New York participate in the actual making of that law, and the means by which such participation is carried on. The chief agencies are five in number—the Department of Housing and Building, the Fire Department, the Department of Water Supply, Gas, and Electricity, the City Planning Commission, and the Board of Standards and Appeals. Together, they form a nexus which shares in the development and enforcement of the important body of administrative law in this field which affects so many city-dwellers.

The book traces a faithful picture of the way in which the present-day administrative pattern of building regulation in New York has evolved from its past experience. The city's building laws, as so many others, have been adopted piecemeal to answer such specific needs as the protection of the city's streets from encroachment by privately owned buildings and fences, fire prevention, imposition of rudimentary sanitary requirements, the minimization of structural defects, the amelioration of slum conditions, and the improvement of housing.

The authors do not fail to see the forest for the trees, for certain general implications of the material are carefully pointed out. Not the least important of these is the realization that in this field, as in others, the distinction between legislative, judicial, and executive powers is inadequate, as the application of the power of the Board of Standards and Appeals so often shows. In fact, that Board, with its wide power to make regulations and to hold hearings in its own field of building regulation, is one of the important examples of an administrative court of last resort on questions of fact and policy. Nevertheless, in building as elsewhere the lively vitality of informal consultative procedures comes to the fore as more important than formalized judicialized procedures.

The volume emphasizes the important fact that the success of the ad-

ministrative process is influenced by the public attitude, and particularly that part of the public which is regulated, toward the aims and methods of the regulation. Administrative requirements dealing with building safety, with the improvement of living standards, and with zoning have, in general, been accepted by the public and largely by the courts, and we are entering the next era when administrative regulations will be used for an increasing degree of city planning.

In its examination of the actual operation of one important procedure and its consequences, the volume is a valuable contribution to the literature of administrative law. Its examination of the actual operation and consequences of one important administrative procedure helps to build up more background for a later synthesis from many fields which will continue to help establish criteria for a developing appraisal of the administrative process.

JANE PERRY CLARK CAREY.

Barnard College.

Debates and Proceedings of the First Constitutional Convention of West Virginia (1861-1863). EDITED BY CHARLES H. AMBLER, FRANCES HANEY ATWOOD, AND WILLIAM B. MATHEWS. (Huntington: Gentry Brothers. 1943. 3 Vols.: I, pp. viii, 104, 920; II, pp. 1183; III, pp. 888; and index, pp. 91.)

West Virginia's first constitutional convention met in the midst of the Civil War. It was a revolutionary body, called into existence by the political exigencies of the war, and it engaged in a work of dubious legality. Probably this, as much as the avowed concern for economy, led the members to oppose the publication of their proceedings. Yet a Wheeling reporter sat in the meeting taking stenographic notes, and the convention, on the eve of adjournment, authorized the transcription of the notes. Not until 1907, however, was this done. Then it was a useful exhibit in the debt adjustment suit with Virginia. Only in 1939 did the legislature authorize the state's supreme court to print and bind the debates; and even yet they are not "published." The court has neither fixed a price nor designated an agency to distribute the three bulky volumes.

Such a situation would normally create a suspicion that the members of the convention and later authorities of the war-born state had something to hide. The debates, however, do not confirm the suspicion. Assembling in the midst of war, the delegates debated minute points of governmental structure with a minimum of war-talk. They discussed slavery at some length, but they spent more time on the problem of the new state's boundaries. They debated salaries, internal improvements, education and taxation, but they spent little time discussing the revolutionary nature of their commission. They met, in regular and adjourned

sessions, for 66 days, and in the end they fashioned an instrument of government which was not substantially different from the Virginia constitution with which they were familiar.

Dr. Charles H. Ambler has written an able introduction to the volumes. He sets the convention in its historical background, analyzes the membership (which was predominantly Methodist and contained more ministers than lawyers!), summarizes the debates, and traces the congressional history of the statehood bill. He has appended, as well, a brief biographical sketch of each of the members. This part of the work bears the clear and sure mark of scholarship. The index, however, is a formalized, legalistic compilation of no value to a historian and probably of little use to a lawyer.

WILLIAM B. HESSELTINE.

University of Wisconsin.

Thomas Paine. BY HARRY HAYDEN CLARK. (New York: The American Book Company. 1944. Pp. 436.)

The Philosophy of Thomas Jefferson. BY ADRIENNE KOCH. (New York: Columbia University Press. 1943. Pp. 208. \$2.50.)

These two volumes, taken together, constitute a significant addition to our knowledge of Paine and Jefferson. Professor Clark, for a long time occupied with the study of Paine, has brought together the principal writings of Paine in somewhat condensed form, and has prefaced these writings with a very useful analysis of Paine's ideas. Dr. Koch has made a very painstaking, detailed, and thorough analysis of the philosophical doctrines of the Virginia statesman, as a part of the Columbia Studies in American Culture.

Clark not only has dealt with the essential points in the general theory of Paine, but has given unusual attention to his economic ideas and the practical application of his theories to current problems. Paine's opposition to the banking and "funding" system of his time has been developed before, but Clark lays special emphasis on less commonly noticed policies such as that of social security. In his *Agrarian Justice* and in the *Rights of Man*, many of these policies, such as state aid for the poor, old age pensions, employment for the casual poor, have a modern ring. His emphasis upon the meaning of education in democracy was parallel to that of Jefferson.

Inevitably, Professor Clark, as a student of literature, has contributed an interesting chapter on the literary qualities of Paine, a matter of major importance since everyone must recognize Paine as one of the greatest, if not the very greatest, propagandist in American history. Whatever rating may be given by friend or foe to the content of Paine's

philosophy, it cannot be denied that he persuaded many persons to agree with him. His document did not have the long-range effect of Rousseau's *Social Contract* or Montesquieu's *Spirit of Laws*, but his immediate influence was greater. I am referring here, of course, to Paine's *Common Sense*, and not to his *Rights of Man* or his *Age of Reason*. For a long time Paine was buried under the weight of criticism and contempt, brought upon him in part by his unwise letter to George Washington, which Clark's objectivity requires him to publish. As one who "discovered" Paine many years ago, I am, of course, pleased to observe the increasing attention to the rôle of this very brilliant if sometimes misguided patriot.

Writing from the point of view of philosophy and in the effort to establish Jefferson as a philosopher in the orthodox sense, Dr. Koch finds the going hard at times. Thomas Jefferson was a man of very high ability, with a broad interest in the intellectual world in which he lived, the scientific and technological as well as the rational and moral world. No political leader in our American history, and perhaps none at any time, has been more genuinely and keenly interested in the growing intelligence around him, and especially in its practical application to the affairs of men. But to prick out accurately the pattern of his philosophy and ideology is not easy, owing to the scantiness of the evidence and the necessity of piecing out what are at times disconnected comments. That he commended a book, for example, is not a proof that he endorsed the positions taken by the author, as in the case of his approval of John Adams' *Discourses*. In a friendly way, he gave general praise to many, in a complimentary fashion, as one intellectual to another. The dates of Jefferson citations in Koch's work cover a long period of time; and while the dates may be correct, the influence on Jefferson must be readjusted chronologically.

The larger part of Jefferson's political ideas was developed at an early period, and greatly under the influence of Locke and of his legal studies. Locke's *Treatise* and the Declaration of Independence are very closely related in theory and sometimes in language. Of this Jefferson was fully conscious, as he stated in later years in correspondence with John Adams.

In the discussion of Jefferson's political ideas, Koch is less sophisticated and critical. It is, for example, stretching a point to call Jefferson a foe of the executive authority, or to cite him against the "bureaucrats" or as a friend of *laissez faire*—terms of another day. The author has not discussed Jefferson's elaborate planning of national resources, especially of land; but Jefferson's often neglected interest in manufactures, meeting Hamilton half-way in his later years, has been duly observed.

Both of these volumes are significant contributions to a clearer view of Jefferson and Paine, from the point of view of political theory, and deserve careful study by interpreters of these statesmen of the first period of the American Republic. Each volume contains an excellent bibliography for

which any student may well give thanks. In a welter of impressionistic literature about the Fathers, these studies dealing with broad views, but concretely and effectively, are welcome contributions to our understanding of American political ideas.

CHARLES E. MERRIAM.

University of Chicago.

Jefferson and the Press. BY FRANK LUTHER MOTT. (Baton Rouge: Louisiana State University Press. 1944. Pp. 65. \$1.00.)

This slim volume appears at an opportune time. Beginning with the debate over the provisions of the NRA Newspaper Code in early New Deal days, various writers and politicians have laid down a barrage of comment on the relations of the press to government. While there have been exceptions, most of the comment has been based on no historical knowledge of past struggles for the right to a free expression of opinion in printed form or any real understanding of how the concept of a free press developed. Plans, panaceas, and projects proposed by "liberals" for what they conceive to be a proper relationship between press and government have not always taken account of the study of the problem by earlier (and often more thoughtful) philosophers. Some of the "conservatives," on the other hand, have badly misused the term "freedom of the press."

There is, then, a great deal of profit in re-examining the doctrine of Thomas Jefferson, not merely to turn awe-struck to a sainted liberal, but because he possessed wisdom, stood staunchly for the democratic thesis, and preferred to ground his philosophy on understanding rather than on expediency. His voice rises from the pages of Dr. Mott's book. It is a modern voice—saner and more currently realistic than a lot of the slick "book trade" writing which has only recently rediscovered the virtues in American democratic conceptions.

Dr. Mott brings together all of Jefferson's major utterances on the press. He discusses Jefferson's attitude toward a constitutional guarantee of a free press, his patronage of party newspapers, his attitude toward libel laws and libel actions, his opposition to the Sedition Act, and, finally, his deep disappointment and chagrin over the merciless, abusive, and even scurrilous attacks made on him by opposition party newspapers and unfriendly critics.

The author reveals the inconsistencies in Jefferson's attitude toward the press. There is the famous letter to Carrington, so often quoted, and other written comments which reveal Jefferson's belief that the press is a special check on government. On the other side of the shield is the letter written to John Norvell shortly before Jefferson's retirement in which he betrays bitterness and "complete disillusion" over the behavior of newspapers.

These inconsistencies are resolved by Dr. Mott—I think to the satis-

faction of the reader. "Consistently, to the end of his life," the author says, "Jefferson maintained his testimony on the two major principles of his attitude toward the press—the essential nature of its service to the democratic system, and the necessity of its freedom in order to perform that work." Dr. Mott attributes the Norvell letter to a moment when Jefferson was smarting under some particularly painful attack from a bigoted opposition press, and he does not feel that it represents Jefferson's real concept of the newspaper's function. Even after the indecent attacks on him in the 1804 campaign, Jefferson wrote to Judge John Tyler: "The firmness with which the people have withstood the late abuses of the press, the discernment they have manifested between truth and falsehood, show that they may safely be trusted to hear everything true and false, and to form a correct judgment between them."

Unquestionably, Jefferson thought of the free press as an instrument that could keep watch on governmental authority, that would appraise the workings of administrative decrees and legislative enactments, and that would serve as a channel for the expression of popular opinion. A responsibility of this sort could never be exercised through a press dominated or controlled by the government in power, either through statutes or by more subtle means. German and Russian theorists, who regard the press as an instrument of government rather than as its critic, have won converts in this country. The converts assume that a governmental élite, untroubled by criticism, knows best how to safeguard and advance the interests of the rest of us. Jefferson did not consider that a politician in office is infallible, and, were he alive today, it is safe to assume that he would hold to his original ideology that the governing process can be effective only when critics within and outside the press are unchained.

Dr. Mott's volume is close-packed with the facts of his subject's dealings with the press and newspaper editors, as well as with all of Jefferson's relevant comment on press-governmental relations. The style is excellent. The volume is No. 2 of the Journalism Monographs published under the auspices of the Council on Research of the American Association of Schools and Departments of Journalism.

RALPH D. CASEY.

University of Minnesota.

The Development of Modern Italy. BY CECIL SPRIGGE. (New Haven: Yale University Press. 1944. Pp. 216. \$2.75.)

Contemporary Italy: Its Intellectual and Moral Origins. BY COUNT CARLO SFORZA. (New York: E. P. Dutton and Company. 1944. Pp. xiii, 436. \$3.50.)

In this year of Italy's agony appear two books on the factors and causes of that tragedy. Neither vouchsafes pre-visions, but each makes a distinc-

tive contribution toward our understanding of what has produced the present, and therefore conditions the future, of Italy.

Mr. Sprigge, as we would expect from the *Manchester Guardian* correspondent in Rome, is a careful student, trained in sound historical scholarship, with eyes open to democratic ideals, realistic in his inclusion of ideas as the weightiest of all realities. His style is compact, sometimes dense. But the unremitting attention required is effort well spent; for here is minute and accurate analysis of the many factors of Italian political life, from the miracle of the Risorgimento down to that paralytic shock which is called the March on Rome. The rise of Fascism is shown as the resultant of many opposed but combined factors, yet an episode involving much that is trifling matter of personal jealousy, ambition, and luck. Mussolini is appraised in all his phases, from anti-militarist and bolshevik to contriver of parliamentary combinations and would-be Caesar. But the chief value is to be found in the portrayal of psychological factors and political movements, as they became manifest during the half-century between Cavour's triumph and the fall of Giolitti's system. Democracy, even parliamentary liberalism, is shown to have been given only a half-hearted trial. Here are chapter and verse to authenticate what Don Sturzo used to call the "failure of the political class," the decline and fall of an English (Cavour's) system when operated by Italian politicians, and by confused spokesmen of "ideologies" such as socialism, syndicalism, and nationalism.

Count Sforza is a familiar figure to all students of political science. He began as diplomat, made himself expert on the affairs of China (as minister) and of the Near East (high commissioner in Constantinople), and became Italy's foreign minister (1919-20). Refusing Mussolini's earnest appeal (November, 1922) that he remain as ambassador in Paris, he has been for a score of years writing and lecturing against Fascism.

This book is his reminiscence of all these stirring Italian and world events—not including Count Sforza's present effort to disentangle Italy's affairs, as she is conquered from Nazidom to rule herself as one of the United Nations. It is not a systematic history. It is not his apologia. Serenity has always characterized his attitude, and it characterizes this story. He has known everybody worth knowing, and he frankly tells us what he thinks of them individually. He includes not only Italy, but all of Western civilization; not only the last forty years, but the past century and more; not only the worlds of parliament and foreign affairs, but also those of culture and of religion.

His candid characterizations are fascinating and tempt the reviewer to endless quotation from his extraordinarily keen *aperçus*. Often they are paradoxical, but always they provoke thought. He can be just to his enemies, appreciating, for example, the puritanic honesty as well as the obstinacy and blindness of Sonnino. Practically never does he anathematize: he

will not play Dante; there is wickedness in this world, but far more of weakness and stupidity. He pities Facta; he mercifully leaves nameless the childish American ambassador who fawned upon Mussolini. Without offending Catholic sensibilities, he keenly discriminates among Popes and their policies, wise and less wise, leaving no doubt, however, of his own deep-felt opposition to the temporal power and the Lateran establishment of the canon law.

In view of his generous appreciation of others' motives, it is significant that he foreshadows clearly what the daily newspapers are telling us—his declared conviction that Victor Emmanuel has made his kingship impossible for a revived Italian state. This is not a doctrinaire republicanism derived from Mazzini, but a stern condemnation of one who had made himself an accomplice of the crime of Fascism.

The author presents no plan for solution of the contemporary constitutional problem of Italy or of the world. But from hundreds of hints one perceives his view of a free world, as well as of a free Italy. His appreciation of a Croce, a Wilson, a Salvemini, a Beneš, may suffice as hints. If we must admit that he still places Giolitti (his colleague of 1919) in his own constellation of high worthies, it is his recognition that politics is only the art of the feasible. More significant is his constant emphasis on the ethical ideal as the truest guide of sound politics; also his serene faith in the common man, the cruelly neglected but heroic peasant, the townsman with his "good sense."

Here is where the main currents of these two books flow together, bearing a lesson for Italy and the world. Italy's historical life has largely been the infinitely rich and various life of her towns and regions. It was a pity that the circumstances of the Risorgimento seemed to suggest that the Piedmont constitution should be not only the cradle but also the coffin, cramping and stifling. The all-devouring sovereign state, on the peninsular and on the world scale, must give place to a régime of freedom. Hand and brain are both members, unequal in office but equally requiring interdependence; so also might be Piedmont and Calabria, Milan, Florence, and Palermo. All that the United Nations can contribute is freedom from the Tedesco Tyrant; then comes the opportunity for Rome to master herself, for all sorts and conditions of men to gain moral self-mastery, in coöperation under their self-controlling law.

HENRY R. SPENCER.

Ohio State University.

Triumph of Treason. BY PIERRE COT. (Chicago and New York: Ziff-Davis Publishing Company. 1944. Pp. 432. \$3.50.)

For decades to come, the mystery of the fall of France in June, 1940, with unused *matériel* in arsenals, unused tanks in the field, unexpended

energy to resist in the population, will preoccupy those who try to understand the abstruse laws governing the rise and fall of the genius of nations. To this discussion, Pierre Cot, former minister of aviation and, with Blum and Daladier, one of the "accused" of the "Riom trials," has contributed a vigorous, defense lawyer's brief, written to exculpate the Popular Front Government from bearing any major part of the responsibility for the military catastrophe. For in his *Triumph of Treason*, Cot writes: "About 40 per cent of the tanks and 60 per cent of the air-planes were never used in the war."

In a short review it is impossible to do more than indicate the range of subjects treated by M. Cot: the military organization of France; the economic organization of the nation; the origins, work, and overthrow of the Popular Front Government; the rôle of the military in the defeat; and, in particular, the status and rôle of French aviation. "This book," Cot writes frankly in his introduction, "is written on behalf of those whom the Vichy government attempted to try at Riom. It is more especially written on behalf of my friends Léon Blum and Edouard Daladier." Yet these ministers were "weak," in Cot's opinion, and they erred, in the pre-war period (more particularly Daladier) "in not understanding that they were in a revolutionary situation and in not establishing the dictatorship of the majority—the only means by which democracy could have been achieved in France at that moment."

In the valuable Appendix to this volume, Blum's historic letters to the Riom court are quoted as well as several fascist "directives" to the French press, issued by Vichy. There is, also, the "Opinion Expressed by the Council of Political Justice"—that strange body of judges whose "Opinion" prejudged the Riom "trials" before they had opened. Cot had been accused, among other derelictions, of "furnishing aviation material to the Spanish Popular Front." His answer seems slightly equivocal; for he writes: "The time has not yet come to tell the full story of the French Popular Front's work for Spain. . . . I was limited by the principle the cabinet had adopted and I had no intention of helping Nazi propaganda prove that France did not keep her pledges. . . . The decision [of the French cabinet and the London Conference on Non-Intervention] in no way prevented us from sending war planes to foreign countries whose hands were not tied. . . . Nothing prevented the king of Hejaz . . . from buying planes in France—and when I authorized the departure of planes from a French airport, the intentions and the destination of the pilot were none of my concern. I was not obliged to know whether an airplane en route to Hejaz by way of Spain was going to remain in Spain or not. . . ."

This reviewer happens to think that the London decision on non-intervention in Spain was both morally wrong and politically inept. Blum was faced with a tragic dilemma. It is clear that Cot disapproved of the Blum

cabinet's decision, yet he remained in the cabinet; he wished to be able to disprove accusations that "France was not keeping her pledges"; yet at the same time, by transparent expedients, he was sending *matériel* to Spain which, unfortunately, was not adequate. This moral legerdemain which Cot recounts, in 1944, with an almost naïve air of triumph (naïve because he so palpably failed to achieve his aim) is a curious example of the abyss between moral conviction and the ability to act effectively which paralyzed and vitiated French policy long before June, 1940.

ELEANOR KITTRIDGE.

New York City.

Germany After Hitler. BY PAUL HAGEN. (New York: Farrar and Rinehart, Inc. 1944. Pp. viii, 240. \$2.00.)

This latest book from the pen of Paul Hagen, the research director of the American Friends of German Freedom, is a helpful contribution to the proper solution of the German problem after the war. Primarily, it is a well reasoned argument in favor of as much freedom of action for the Germans as conditions will permit. Although envisaging a period of military occupation, Mr. Hagen seems to be arguing for a plan of non-occupation or of very brief occupation—of remote rather than direct control of Germany. Consequently, he emphasizes the forces which he feels will operate toward the establishment of freedom in Germany: (1) the social energies; (2) the craving for personal and political liberty; (3) the patriotic sentiments of the people, the urge for self-determination; and (4) assistance from progressive international forces. Mr. Hagen also argues that "there are enough proven and reliable anti-Nazis in every town and in every district, who will be known locally and recognized quickly enough" (p. 130).

Although the author is at times polemical and has included in Appendix 2 an effective attack on Lord Vansittart's recently published book, he preserves a good balance and makes fair evaluations of very complicated situations. He is at his best in describing the forthcoming collapse of Germany, and in drawing useful comparisons with present developments in Italy. His explanation in the first chapter of why the Germans have been slow to develop real democratic institutions should be read by many people who seem to lack perspective when writing about the Germans.

The reviewer finds but a few points where disagreements are significant, or where the analysis is not entirely complete and convincing. Quite naturally from his background and experience, Mr. Hagen, it seems to me, is not critical enough of the shortcomings and fatal mistakes and weaknesses of German labor groups. He does explain quite penetratingly how they did not preserve German democracy when it drifted into a crisis. And yet he places almost sole reliance upon labor in his plan for a

reconstructed Germany, and insists on "social planning as against restoration of a profit economy." Granted that labor will be the greatest democratic force on which to lean in post-war Germany, it does not follow that the Social Democrats, even assuming that they can be re-energized and better led, and assuming further that the Communists will work with them, have all the answers or even most of them.

Again, in pointing out how some of the Allies aided reaction and opposed revolution in 1918, Mr. Hagen did not go on to explain why the young German Republic, when it had opportunities under Social Democratic prime ministers in both the Reich and Prussia, made the same kind of mistake in not rooting out reaction, and in stopping, or at least punishing, those who murdered German liberals and radicals.

Finally, Mr. Hagen is not very realistic in de-emphasizing Germany's eastern boundary problem, and in minimizing the Communist potential in post-war Germany. In fact, one of the few mistakes in the whole book is his statement that the Communists "during the following hectic fourteen years" did not "get more than twelve per cent of all the German votes" (p. 25.) In the September, 1930, Reichstag election, the Communists received thirteen per cent of the votes, and in November, 1932, the figure rose to 16.9 per cent. It is true that the Communists were never a real threat to the Republic, but they were always something of a millstone around its neck because of their negative attitude. A similar attitude after the present war, when the Communists most likely will be even stronger, would be a great handicap to the success of post-war German democracy.

Germany After Hitler is a shrewd, penetrating analysis of a fundamental problem. It is full of sound observations, and it should be read by all students of the German problem.

JAMES K. POLLOCK.

University of Michigan.

The Idea of Nationalism. BY HANS KOHN. (New York: The Macmillan Company. 1944. Pp. xiii, 735. \$7.50.)

This volume deals with "the roots of nationalism" from ancient times until near the close of the eighteenth century and is to be followed by another covering "the growth and fulfillment of the idea" from 1789 to 1919. The author opens his work with an essay on the nature of nationalism in which he discusses the various interests, sentiments, attachments, and other considerations associated with nationalism "as we understand it." But such nationalism "is not older than the second half of the eighteenth century. Its first manifestation was in the French Revolution." Although the idea is relatively new, Mr. Kohn reviews tribalism and universalism in ancient Israel and Hellas, the universal tradition of Rome and the Middle Ages, the emerging features of nationalism during the Renaissance

and Reformation, and the rise of the Sovereign State (prince and nation) through the seventeenth century and the major part of the eighteenth century. Then the author passes to the rise of the independent United States with its universal theories of human rights and its emerging patriotism. The volume closes with two long chapters called "Stirrings in the Old World" in which the parallelism of universalism and patriotism is traced in the history of Continental countries. Nearly everywhere in this history Mr. Kohn finds the cosmopolitanism of the Enlightenment mingled with the particularism of national sentiments and ideas. In support of his text, he marshals a documentation and bibliography (pp. 579-722) of works in many languages. If a tremendous display of erudition could convince or overwhelm critics, Mr. Kohn would find no challengers anywhere.

Out of this display of erudition, which might put a Mommsen to shame, what has emerged? If any reader expects a formula like the following, he will be gravely disappointed:

Nationalism *equals* war

War *equals* evil

Therefore nationalism must and will be extirpated.

Mr. Kohn is too careful and too modest to indulge in such lines. The conclusion which his pages seem to warrant is that among various peoples at various times and amid varying circumstances nationalism and universalism have been manifested in thought and attachments; neither has been or is a monopoly of any people; pushed to extremes, nationalism, like religious fanaticism, may and does work for war and conquest; but a "depolitization of nationality is conceivable" and nationalism may pass from the world.

To formulate a full judgment on the details of this monument to indefatigable labor is beyond the competence of this reviewer, but a check has been made on one rather important point, as far as the American part is concerned. There (pp. 310-11) Mr. Kohn gives examples of Jefferson's intense devotion to the new American nation and then quotes a passage from one of Jefferson's letters to the effect that he was also universalist, in that he "wished to keep the doors open," to make America a sanctuary for the oppressed of other lands. Mr. Kohn correctly quotes the letter. But is a single extract from a private letter (written in 1817 to George Flower relative to a settlement of English farmers in America, Bergh ed., xv, pp. 139-142) sufficient to establish the proposition that Jefferson had "no thought of exclusiveness," in view of the fact that in his published *Notes on Virginia* Jefferson expressed decided hostility to immigration from countries governed by absolute monarchs (Bergh ed., II, pp. 120 ff.) and was especially hostile to the wholesale immigration of artisans from the Old World? It is to be hoped that Mr. Kohn's selected citations of the writings of others are more carefully balanced than in this particular instance.

Since the volume purports to be in the class of studies devoted to the history of "ideas," another point seems appropriate. The book is entitled "The Idea of Nationalism." The words "nation" and "national" are relatively old in English usage. But the word "nationalism" seems to be new. The first citation of nationalism, in the political sense, given by the O. E. D. is dated 1844, although the word "nationalist" appeared as early as 1715. Therefore it seems fitting to inquire whether Mr. Kohn should not have entitled his book "A prolegomenon to the study of the idea of nationalism."

CHARLES A. BEARD.

New Milford, Conn.

Canadian-American Relations, 1875-1911. BY CHARLES C. TANSILL.
(New Haven: Yale University Press. 1943. Pp. xviii, 507. \$3.50.)

Canada—Member of the British Commonwealth and Good Neighbor of the United States. BY FREDERICK GEORGE MARCHAM. (Ithaca, N. Y.: Cornell University Press. 1943. Pp. 78. \$0.40.)

Professor Tansill's volume is the most recent issue in the series of studies on "The Relations of Canada and the United States" sponsored by the Carnegie Endowment for International Peace. It takes up the story where Shippee's *Canadian-American Relations, 1849-74* left off. This volume is not a broad sweeping account of the forces and factors in the relations of the two countries during the period concerned; it is, on the contrary, confined to four topics which were the major subjects of diplomatic negotiation between Britain and the United States involving Canadian interests: the Atlantic fisheries (Chaps. I-IV), the Alaskan boundary (Chaps. V-IX), the Behring Sea fur-seal fisheries (Chaps. X-XII), and commercial union and reciprocity (Chaps. XIII-XIV). The legal aspects of the first three have been dealt with in other volumes of the series, and the last topic—as the general editor, Professor James T. Shotwell remarks (p. x)—is a twicetold story, which may account for its being treated in somewhat broader fashion than the others.

For the greater part, then, this work is essentially a diplomatic history of the negotiations which preceded and accompanied the disputes and projects relating to Canada and involving Britain and the United States. In undertaking to disentangle this story, the author has used many hitherto unexplored manuscript sources in the public archives and records at Ottawa and Washington. The result is a fairly definitive and complete narrative of these long-drawn-out negotiations among three governments.

In a detailed diplomatic history such as this, a general knowledge of the period is assumed. Indeed, the book itself is one for the specialist alone. The story is told with full documentation from the correspondence and papers of ministers, secretaries, and negotiators, explaining their official

and private opinions at the various stages of the discussions. One receives a most careful and comprehensive exposition of the considerations of the moment as they were recorded by the participants. This is, of course, one of the merits of diplomatic histories—to reveal the course of negotiations as viewed by diplomats though not understood publicly at the time. It is a weakness of some such histories, however, that they tend to imply that all the information and knowledge present to the negotiators' minds is sound and adequate. In the present book, for example, there is rarely any reference to any other source of information except at the very commencement or conclusion of the major topics. What use the author made of the judgment of posterity or of secondary sources is not clear. The concentration on diplomatic sources also tends to obscure the import of the solutions. Indeed, the provisions of the arbitral awards and agreements which finally disposed of some of the disputes are here relegated to footnotes, as if to emphasize the fact that in diplomacy the process of negotiation is more important than the results achieved. Except in the fashion in which the author has selected material from correspondence and reports, there is little that is critical in the volume. Occasionally the misapprehensions of an ambassador are rebutted by a quotation from the other side (e.g., p. 197, note 27, when Choate had misstated the British case on the Lynn Canal), but rarely does the author take occasion to note an official view as weak in the light of other evidence (a rare example is to be found on p. 316, note 54, when a work on the Monroe Doctrine is cited against Blaine's interpretation in the Behring Sea controversy).

The period embraced by this volume, a very important one for Canada's growth of national consciousness and autonomy, is complicated by the fact that there are three parties to all or most of the negotiations—Britain, Canada, and the United States. A detailed study of this kind is of greatest value, therefore, in revealing the divergent views and interests in all stages of negotiation. Every student of Anglo-American or Canadian-American diplomacy will have to draw upon this careful study.

Professor Marcham's little pamphlet—No. 1 in the *Cornell University Curriculum Series in World History*—is intended to provide American high-school teachers with information and material on Canada for use in their classes. This purpose is accomplished in a fashion; some fifty pages pick out the high spots—over half of it pre-1867 history—and some few paragraphs deal with relations with the United States. There are fairly lengthy study questions, projects for pupils, and a short bibliography. It may properly be recommended to teachers who have no knowledge of the subject at all, and those who are better informed will find its last portion on activities, etc., useful.

H. McD. CLOKIE.

University of Manitoba.

A Proposed World Government. BY GEORGE A. BIRDSALL. (Washington: The Shaw Press. 1944. Pp. 110. \$1.50.)

The Geography of the Peace. BY NICHOLAS JOHN SPYKMAN. (New York: Harcourt, Brace and Company. 1944. Pp. 61. \$2.75.)

Mr. Birdsall suggests a world government modeled on the plan of the United States government. Certain nations, which he designates as "Class 1" nations, would have the right to send two senators to a World Senate. His selections would arouse opposition, as he includes as "Class 1" nations Hungary, Rumania, Bulgaria, and Thailand, while he lists as "Class 2" nations Czechoslovakia, Eire, Norway, New Zealand, Turkey, Germany, Italy, and Japan, which would have no representation in the World Senate.

The World House of Representatives would be composed of members from all "Class 1" nations, apportionment being based upon literate population. The United States would have twenty-six members, Russia sixteen, England nine, France eight, and Poland five. Smaller "Class 1" nations would have fewer representatives. Each "Class 2" nation would have one representative, who might talk but not vote. Youth would be penalized, as all members of the World Congress would have to be at least forty years old.

A World President would be elected by the World Senate for a term of ten years and would be ineligible for reelection. A powerful World Police Force would be created and placed under the command of a chief who would have the power to "determine the size and kind of police and militia protection each nation may maintain for use in keeping order within its own boundaries." No suggestion is made as to how this powerful official would be elected or appointed. His World Police Force would be stationed at strategic places throughout the world, including Buenos Aires and Panama in the Western Hemisphere.

The book is full of impracticable suggestions. For example, when this war is over, "if any nation, including England, the United States, China, Russia, and other Allied powers and neutrals, refuses to give up its entire army and navy and coast and border forts to the World Government, the war will continue until it does" (pp. 22-23). Birdsall has a marked anti-Russian bias. Referring to a peace conference to be convened when the war is over, he states: "Stalin will send an emissary with instructions to give nothing and take everything he can get" (p. 21). He also has an anti-Roosevelt bias, as shown by such statements as, "We will have a republican form of government, in spite of Roosevelt's advisers" (p. 16), and "This plan will probably not be adopted now on account of the selfishness, egoism, and fear of three men—Stalin, Roosevelt, and Churchill" (p. 18). There are some errors of fact, such as a statement that the Paris Peace Conference awarded Danzig to Poland (p. 19).

Of a very different type is Professor Spykman's book. In clear, forceful terms he sets forth his thesis that, once the United States permits a hostile power to control Europe, and a hostile power to control the Chinese mainland, the Western Hemisphere is effectively encircled. In terms of territory, its enemies would be two and a half times larger; in terms of population, they would be ten times larger; and in terms of energy, they would be approximately equal. Were that to happen, the United States would be in a serious position. Professor Spykman's book, which appeared posthumously, is an excellent contribution to the study of American foreign policy.

ROBERT S. MCCORDOCK.

Lincoln Memorial University.

The Languages and Press of Africa. BY DUNCAN MACDOUGALD, JR. (Philadelphia: University of Pennsylvania Press. 1944. Pp. 86. \$1.50.)

Colonial Policies in Africa. BY H. A. WIESCHHOFF. (Philadelphia: University of Pennsylvania Press. 1944. Pp. 138. \$1.50.)

These two small volumes are Nos. 4 and 5 of a series of African Handbooks designed, presumably, to present easily accessible, pertinent information on a little-known continent. Mr. MacDougald's study fits this purpose admirably. A well-arranged compilation of data on the geographic spread and the number of speakers and literates of the most important African, European, and Asiatic languages to be found in Africa, it is truly a report of facts and figures. The last chapter lists name, place of publication, circulation, and language of African newspapers and periodicals.

By contrast, Dr. Wieschhoff's book does not seem to fit the character of a handbook. Relatively short on factual information, it is analytical and somewhat discursive rather than descriptive and methodical. "Problems of Colonial Policy in Africa" would have been a more appropriate title; and, accepted as such, the little book—Chapter II excepted—can be said to present a series of excellently argued discussions.

Chapter II poses the question "Do Dependencies Pay?" and blandly answers it in the affirmative. The author has enumerated all possible reasons supporting his contention without analyzing the other side of the balance sheet with equal diligence. Indeed, studies pursuing the opposite thesis, including such well-known books as Grover Clark's, are conspicuously absent from an otherwise well-selected bibliography. Regarding economic arguments, the author fails to distinguish clearly between a small group of investors, business men, settlers, and office-holders—for whom colonies pay—and the entire metropolitan people as taxpayers and consumers. Defense as a cost item is neglected. Some non-economic "advantages" accruing from dependencies are exaggerated. Thus, the

author argues that the possession of colonies augments international power and prestige of the imperial nation. This may be true for the United Kingdom and Japan, while Spain, Portugal, Belgium, and the Netherlands hardly reaped such a benefit. In the modern world only, the few Great Powers may perhaps be said to gain power and prestige from colonial dependencies.

The bulk of Dr. Wieschhoff's study is devoted to a discussion of the stated aims of colonial rule and the principles of colonial policies, on the one hand, and the discrepancy between these and practical accomplishment, on the other. By and large, the author's reasoning appears sound and suggests familiarity with his subject. In addition to immense difficulties arising from the complex variety of African conditions—geographical, economic, political, and cultural—he rightly attributes the discrepancy between aim and achievement to the group selfishness of white enterprise and white settlers. The same reasons, he concludes convincingly, will render any future progress inevitably slow.

K. E. KNORR.

Stanford University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The American doctrine of judicial supremacy has been attacked more convincingly, but seldom more outspokenly, than in Henry Steele Commager's series of lectures at the University of Virginia published under the title *Majority Rule and Minority Rights* (Oxford University Press, 1944, pp. 76, \$1.50). The author once more testifies to his complete and unqualified acceptance of the majority principle and his distrust of all efforts to curb legislative omnipotence. "Democracy," he insists, "whether from instinct or from necessity, furnishes its own checks and balances—quite aside from such as may be provided in written constitutions" (p. 59). Judicial review is wrong in principle and dangerous in practice, because the judicial branch is largely immune from popular correction. Liberals who rejoice at judicial intervention on behalf of civil liberties are guilty of a misunderstanding that cannot fail to have very serious consequences for their cause. Professor Commager calls upon the historical record to prove his case, relying largely upon an article by Judge Edgerton for his conclusion that there is "not a single case, in a century and a half, where the Supreme Court has protected freedom of speech, press, assembly, or petition against congressional attack. . . . Congress, and not the courts, emerges as the instrument for the realization of the guarantees of the bill of rights" (p. 55). This sidesteps the issue as to the value of the courts in restraining over-zealous state legislatures. The treatment is more

in the vein of the lawyer than of the historian, with more than a touch of the pastoral—the writings of Thomas Jefferson serving as holy writ. The book would be more convincing if the argument were more restrained and less free from doubt, and if the reader were not left with the impression that the author has consciously called upon only those portions of the historical record that support his point of view. But for all of its faults—some of which may be explained by its geographic piety—it is eloquent, cogent, and forthright, and its logic is at least as sound as that of most treatises defending the thesis that the author attacks.—J. A. C. GRANT.

An objective and comprehensive study of that stormy petrel of investigating committees, the Dies Committee, has long been lacking. The first work of this character is August Raymond Ogden's *The Dies Committee* (Washington, D.C.: Murray and Heister, 1944, pp. vi, 295, \$2.00). Originally submitted as a doctoral dissertation at the Catholic University of America, the volume is heavily documented and contains a useful bibliography and index. After noting the antecedents and creation of the Committee, its work from 1938 to 1943 is traced in detail. The study is narrative and historical in approach, but the author crowds in occasional incisive, analytical comments. Major emphasis is placed upon the procedures used. Some of the reports were found to have "real intrinsic worth," but "must remain suspect because of the methods and procedure used" (p. 108). The rule seems to have been, "If the Committee did not agree with the witness, then he had to be searchingly examined; if it did agree, he enjoyed some sort of immunity from cross-examination" (p. 97). The professed worth-while ends, the author contends, have not justified the means. At times (notably in 1939), the Committee reached laudable heights and achieved good results, only to lapse into its old methods and a one-man show. Representatives Dempsey and Voorhis are praised for attempting to reform the Committee. The Committee's failure to limit its scope is cogently presented. The author concludes that the Committee "is neither an ideal nor a desired means of exposing subversive activities. . . . Congress should discontinue the Dies Committee as the first step to a solution of the very difficult problem facing it" (p. 275). A joint standing committee with disinterested personnel, standardized procedure, and effective collaboration with the FBI is recommended. While the volume is excellent, further studies are needed on the relationship of Mr. Dies to the Committee, and of the latter to the Administration. Ogden criticizes the press for headlining certain accusations while playing down refutations; more can be done on this subject. Further analysis is needed also of the contents of the various reports and of the "political" relationships of Congress to the Committee.—HUGH A. BONE.

Anyone desiring a clear and adequate description of the growth of rural electrification in the United States under the planning and supervision of the REA and the 800 democratically functioning consumers' coöperatives through which it largely acts will welcome the monograph on *Public Rural Electrification* (American Council on Public Affairs, 1944, pp. viii, 184, \$3.00), by Frederick W. Muller. "REA suggests a kind of *via media* between regulation-planning . . . and outright government ownership and operation." But even this is a wide departure from the old order when it is remembered that, as Frank J. Kottke puts it, "the traditional policy of the United States has been largely to leave research and development work to private enterprise, to preserve to inventors and their assignees the exclusive right for a term of years to the techniques which they develop, and to maintain competition among several concerns in each field." How this three-pronged policy has been pursued in the past, and how its dilemmas and problems have been faced, are the general queries dealt with suggestively but not exhaustively in a second monograph, issued by the same publishers under the title of *Electrical Technology and the Public Interest* (1944, pp. 200, \$3.00), by Frank J. Kottke. The electrical field is chosen for this special study because of its paramount importance to the whole people in both war and peace. The author estimates that from eighty-five to ninety-five per cent of the expenditures on peace-time research are made by private enterprise, and largely by the big companies. The availability of the stimulus of patents and the resulting technological progress, with a minimum of suppression of patents, are conducive to combinations among the big competitors and the strangling of the small ones. The public antidote to the danger of monopoly takes the form of anti-trust laws and the various forms of patent-licensing. The solution is still in the experimental stage, but seems to recognize the need for several competing companies large enough to be able to carry the heavy burden and risk of large-scale research and experimentation, together with the many medium-sized and small companies to which the new patents must be made available through an open, uniform licensing system.—ARNOLD J. LIEN.

The third edition of Claudius O. Johnson's *Government in the United States* (Thomas Y. Crowell, pp. xi, 852, \$3.75) is recommended as a very usable text for American government courses taught from the so-called functional approach. The arrangement of topics is more or less the standard one for "functional" texts, but the style of writing is more interesting than in most. At the same time, details have not been sacrificed in the interest of style. This revision gives recognition to changing conditions by more detailed attention to labor and agriculture as problems of govern-

ment, by a re-examination of intergovernmental relationships, and the like. The chapter on "The United States at War" centers attention on government's most immediate problem. Deserving of particular commendation is the final chapter, "The Obligations of Citizenship." Its suggestions serve to give practical purpose to the study of American government. Liberal use is made of footnotes, rather than expecting the reader to assume that authority for statements made may be found in the lists of recommended readings. Probably no textbook ever has merited complete approval as to the list of topics chosen for discussion and the relative space assigned to each, but the book under review deserves a high rating.

—CHRISTIAN L. LARSEN.

In the years of the depression, when the national government was expanding the public services to provide employment, libraries were among the local institutions which benefited. As a by-product of work relief, library facilities were extended, and librarians glimpsed some of the possibilities of augmented budgets, according to Edward Barrett Stanford in his scholarly review of *Library Extension under the WPA* (University of Chicago Press, pp. xiv, 284, \$3.00). This well documented, statistically fortified, fully illustrated, rather repetitious, offset printed book is a model of thorough research from the viewpoint of the library profession. General chapters on the scope and distribution of federal funds and the organization and administration of WPA library assistance are supplemented by case studies of the projects in South Carolina and Minnesota. As an "experiment in federal aid" to libraries, the program is judged to have been deficient in administration, but very helpful in expanding library services.—JOHN ELY BRIGGS.

FOREIGN GOVERNMENT AND POLITICS

Herbert Rosinski's *The German Army* (Washington, D. C.: The Infantry Journal, 1944, pp. 215, \$3.00) is a revised and considerably enlarged edition of a book published originally in 1940. The historical chapters have been taken over from the original, although for reasons of space they have been shortened to a certain extent, and a second part, dealing with the organization, ideology, and strategy of the modern German army, has been added. Among the comparatively few sources on the subject available in English, the book ranks high, both for factual information and as an analytical text. Particularly well done are the chapters on Frederick the Great and Ludendorff; the characters of Clausewitz, Moltke, and Schlieffen, however, were given more space and relief in the earlier edition. The outstanding part played by General von Seeckt in building the bridge from the imperial army to the *Reichswehr* is dealt with at length, and a vivid picture is presented of his sphinx-like person-

ality. On the other hand, political details created by and affecting the *Reichswehr* during the period of the German Republic were given more completely in the first edition. Students of military organization will greatly benefit from the author's thorough treatment of the General Staff, in which the development of the position of chief of staff to one of exaggerated power under Ludendorff and its curtailment by Seeckt will be of special interest to the expert. In the light of the various recent campaigns, the chapter on modern military thought is of particular importance; here the observer of German military propaganda will find its basic ideas explained. Considering the social prejudices prevailing in other armies, it is noteworthy that the author sees in the strong emphasis of comradeship between officers and men "one of the most powerful factors" that maintain the morale of the German army even in defeat. Colonel Joseph I. Greene has written an introduction that shows the objectivity characteristic of the professional soldier.—HEINZ GURADZE.

Requisition as a legal institution forms part both of international law and of national legal systems. As the title indicates, Maurice K. Wise's *Requisition in France and Italy* (Columbia University Press, 1944, pp. ix, 207, \$2.75) limits itself to an analysis and discussion of the treatment of national private property and services by French and Italian requisitory legislation and practice of the past seventy-five years. The author, under a separate heading each for France and Italy, treats thus the power of requisition, the occasion for its exercise, its objects, the authorities empowered to requisition, the procedure followed by them, the problem of indemnity, and the jurisdictions entitled to award or to review compensations granted for the national property or services used or seized by the state. A short conclusion compares the principal points of similarity or divergence and the causes underlying French and Italian requisitory law. Two tables of relevant French and Italian legislation, a short list of selected readings, and an index complete the volume. The titles listed in the readings are either French or Italian, which indicates the previous lack of Anglo-American literature on this subject. The principal value of the present study for the general English reader or, for that matter, for military government officers, lies in the detailed information on requisition in France and Italy thus made available. However, the evolution which the institution has undergone in the countries selected in the last thirty years and the causes underlying this development also furnish an interesting comparison to the growth of executive powers anywhere during and after the first World War. Thus, the author demonstrates that both in France and Italy requisition, in general, no longer serves merely the needs of the military or, occasionally, of civilians in time of war or preparation for war, but has become also an instrumentality of social

control. The query suggests itself of what influence this development will have on requisition as an international institution, and how it will affect the litigation which undoubtedly will arise after the present conflict out of requisition as practiced now by military occupants on foreign soil. This problem, however, is properly outside the scope of the present study, which constitutes an informative and timely legal analysis of French and Italian requisitory legislation and the safeguards provided by it for the protection of private interests against the abuse of the power involved.—GEORGE MANNER.

Rixford K. Snyder's short history, *The Tariff Problem in Great Britain, 1918-1923* (Stanford University Press, pp. 168, cloth \$2.75, paper \$2.00), contains much semi-manufactured material which the political scientist could utilize with profit. It could be used, for example, to illustrate the psychopathology of post-war nationalism in any modern democracy; or to demonstrate what happens if adequate international institutions are not established to provide for the multilateral determination of economic policies that affect all nations; or to show the importance of wise timing, so that these institutions get firmly established before war-time solidarity among allies gives place to peace-time jealousies. It could be used also as a starting-point for a much-needed study of the working of lobbies and pressure-groups under the British parliamentary system. One merit of this history is that it points the way toward problems such as these; another is that it has extracted everything that can possibly be extracted from the eight most easily available printed sources. Its defect is that the historian's preference for the annalistic over the analytical approach still leaves the political scientist to grope his way toward the solution of the big problems that it raises.—W. HARDY WICKWAR.

Alexander Lorch's *Trends in European Social Legislation Between the Two World Wars* (Editions de la Maison Française, 1943, pp. 148), published under the auspices of the Institute of International Law, is a well documented comparative study of labor legislation in republican Germany and of social reforms in France under the Popular Front government. Following a political background sketch, three major phases of labor legislation are taken up in order: (1) recognition of collective bargaining, (2) arbitration, and (3) workers' representation in the shop. The laws and procedures pertaining to each are stated and their history and effect on the industrial relations of either country are briefly discussed. One gets a picture of a Germany more advanced in labor legislation due to her strongly organized trade-union movement, and of a France lagging behind in this type of social legislation and only fully catching up with her eastern neighbor in 1936-37. Despite the similarity

in legal institutions of the two countries, quite opposite results could be observed in some instances, for example, in the use of compulsory awards or compulsory arbitration. These differences, the author believes, reflect basic differences in national character and the sustained influence of democratic tradition in France. The student of labor relations in this country will find useful material in this little volume.—GERHARD KREBS.

INTERNATIONAL LAW AND RELATIONS

The people responsible for the program of study in American civilization at Princeton University have initiated a series of publications with *The Constitution and World Organization* (Princeton University Press, pp. xiii, 64, \$1.00), by Edward S. Corwin. The purpose of the book is to inquire into the question whether anything in the American Constitution or in the principles on which the Constitution rests stands in the way of effective participation by the United States in an international organization to preserve world peace. Perhaps a more adequate statement would be that Professor Corwin takes the conventional constitutional and theoretical arguments against American participation in such an international organization and demolishes them one by one. He finds that sovereignty, which "is primarily a logical or verbal concept," is not of such regnant power as to stand in the way of the desired end. "When total war is the price of total sovereignty, the price is too high!" (p. 6.). In brief sections he likewise obliterates restrictive barriers alleged to reside in the concept of dual federalism, the principle of separation of powers, the limitations on powers of the national government in favor of private rights, and the area of freedom of action constitutionally guaranteed to the national government. He turns finally to the most difficult obstacle, that involved in the rôle of the Senate in the process of treaty-making. In a well phrased argument he deals with this highly controversial question by contending that we have developed constitutionally a procedure parallel to that of controlling international relations by treaty, namely, a procedure whereby the two houses of Congress, acting through simple majorities, authorize the President to make executive agreements as to matters in the foreign field. He finds this latter procedure "one which from the point of view of the requirements both of democracy and of sound government is the preferable route" (p. 54).—CARL BRENT SWISHER.

In *Federalism and the Problem of the Small State* (George Allen and Unwin, Ltd., 1943, pp. 125, \$1.75), Sir J. A. R. Marriott, "elder statesman" in the realm of political science and history, gathers together his observations on the subject from among a dozen of his volumes and numerous reviews and reworks them into this fresh and stimulating

essay. The product fulfills the author's intentions—"to clarify ideas on the subject," to diagnose, but not to prescribe. Designed apparently for students, the book contains little on the factual side that is not already familiar to the thoughtful political scientist who knows his history. Seven of the ten compact chapters discuss both the small state in its historic matrices and the repetitive efforts to make possible its survival. The analysis of federalism (Chap. VIII) is distinctly elementary; and it contains one microscopic error (p. 88): only 36, not 37, states are needed as the minimum for amending the American constitution. The dissection of contemporary writings on federalism in Chap. IX is neat and helpful. Though convinced that "the survival of the smaller nation-states is essential to civilization" (p. 99), the author offers no universal prescription, but many cautions. Even a confederation like the League of Nations was premature: it was "too ambitious and in too great a hurry" (p. 74). A universal, or even a European, federation is out of the question. "Regional confederations might well precede even regional federations" (p. 119). The Pan American Union is not mentioned anywhere. A Danubian, Balkan, and Baltic federation, and possibly a Rhineland Republic, might be feasible. The author advises a "step by step" process—evolution rather than precipitate fabrication. A short appended bibliography (pp. 121-123) is helpful.—HENRY REIFF.

As formerly, since 1938, the Naval War College's latest annual publication of *International Law Documents, 1941* (Government Printing Office, 1943, pp. vi, 167, \$0.60) was prepared in collaboration with Professor P. S. Wild, of Harvard University. The present volume contains fifty-three documents, presented, as usual, in chronological order and covering the period from July 26, 1941, to August 1, 1942. Broadly speaking, all of the international agreements, diplomatic notes, national legislative acts, and executive orders reproduced here relate to the present war. Topically, twenty of the documents concern, in general, inter-allied assistance and affairs; twelve represent measures of national defense; nine pertain to the outbreak and conduct of war; four involve American-Japanese relations; three touch on Inter-American defense; two look to allied economic warfare; another two enunciate broad principles of post-war policy; and one announces Turkey's neutrality. It is, perhaps, difficult to single out any of these documents as being of particular significance to the international law of the present or the future. From the point of view of the development of international law, however, the documents bearing on the concept of neutrality (Nos. V, VI, VIII to XIV, XVI, XXVI, XXVIII, and XXXIII) and the statement concerning the treatment of civilian enemy aliens and prisoners of war (No. XLIV) are probably especially important. The latter document might conceivably lead to a much-needed

convention regarding the status of enemy aliens in belligerent countries and of civilian populations in occupied territories. Hitherto, all proposals for such a specialized agreement failed to bring results. From the point of view of the stability of the post-war world, document No. III, the Atlantic Charter, is, of course, especially significant. So far as the make-up of the present volume is concerned, it could, perhaps, be improved by greater care in the reproduction of documents (cf. p. 41, where an important line is omitted, and pp. 46, 72, 82, 90, and 134, where less serious misprints occur.). Similarly, a topical table of documents could profitably be added to the index. Future volumes might also resume the practice observed formerly by Professor G. G. Wilson. His notes to the documents were helpful to the student of international law. None of these errors or omissions, however, detracts from the value of the publication. As always, it constitutes an extremely handy collection of important documents relating to our foreign policy and international relations and to international law, chiefly as interpreted by the United States.—
GEORGE MANNER.

A sobering analysis of the shape of demographic things to come is presented in *The Future Population of Europe and the Soviet Union: Population Projections, 1940-1970* (League of Nations, pp. 316, \$2.75). This monograph, first of a series, is a coöperative project of the Office of Population Research, Princeton University, and the Economic, Financial, and Transit Department of the League of Nations, and has been prepared by Director Frank W. Notestein and a number of his associates in the Office. Assuming national boundaries as of 1937 and the orderly development of inter-war demographic trends, and making no allowance for the effects of war or of migrations, the authors present a series of projections, scientifically formulated, of the population of European countries and the U.S.S.R. at five-year intervals, 1940 to 1970. The conclusions, based on reasonable inference, but admittedly tentative, indicate that northwestern and central Europe will have ceased to grow in population by 1970, when it will already have entered upon a decline; that southern and eastern Europe will continue to grow, but at a decreasing rate; and that the Soviet Union, which has grown 55 per cent since 1900, will continue to grow much more rapidly than the rest, reaching a projected population of 251 millions in 1970—approximately three-eighths of the combined populations of Europe and the U.S.S.R. The implications of this trend, by which the demographic center of gravity moves eastward across Europe, will place heavy responsibilities of readjustment upon post-war policy-makers. Since nations "will not idly contemplate their own extinction," they may be expected to adopt measures which will adjust to, slow up, or reverse population trends unfavorable to their

interests. Western Europe, in particular, "must follow an uncharted course in adjusting a dynamic economy to an aging and perhaps declining population" (p. 173), and is faced with the broad problem "of adapting its institutions—social, economic, and political—to function in the absence of growth to which they have been adjusted, and to prove for the world that neither growth, nor size, but the efficient adaptation of people to resources is a prerequisite for human welfare and a rich culture" (p. 181). Other significant implications of these demographic trends are considered also by the authors; and numerous tables and figures and four exhaustive appendices are included.—IVAN M. STONE.

In his *Beyond Victory* (Farrar and Rinehart, 1944, pp. ix, 240, \$2.50), Congressman Jerry Voorhis holds that "through all the ages man has struggled for three things: first, food and the necessities of life; second, reasonable security in these things; and third, freedom of the spirit" (p. 71). This little book is an exposition of his identification of the causes of war and the ways in which a reasonably lasting peace might be attained. There is little that is new, but the method of presentation of familiar concepts is represented by such chapter headings as "Young Men Without Hope" (the need for combatting unemployment); "For Want of Greener Pastures" (the problem of unnecessary hunger and want); "Monopolies and Cartels" (a plea for genuine economic freedom); and "Gold and the Gold Standard" (the need for an international clearing house). Harold Callender's *A Preface to Peace* (Alfred A. Knopf, 1944, pp. ix, 288, \$3.00) is a résumé of British and American foreign policy, contributing substantially to the present war. Unlike Voorhis' book, it does not outline a definite plan for peace. Instead, it is a plea for international collaboration, in which the United States should play an active part rather than revert to isolationism at the end of this war. Asher Brynes' *Revolution Comes of Age* (Farrar and Rinehart, Inc., 1944, pp. xi, 271, \$2.50) is one more effort, largely unsuccessful, to diagnose world conditions. Simple concepts are distorted and inflated into almost unrecognizable forms, with resulting confusion. From a reading of this book, the reviewer emerges with exhaustion and impatience that so much effort should have been devoted to composing it.—W. LEON GODSHALL.

A very useful collection of documents—official, such as excerpts from constitutions and laws, and unofficial, such as party programs, manifestoes of emigré groups, and chapters from the writings of political and cultural leaders—has been made available with the publication of *For Your Freedom and Ours* (Frederick Ungar, pp. 359, \$2.50). It bears witness to the age-old Polish struggle for independence and freedom, a struggle which to many appeared as the cause of all mankind. Besides

documenting the better known phase extending from the partitions to the establishment of the Versailles Poland, the volume covers pre-partition phases as well as the struggle for "internal" freedom and social justice waged by a courageous though unsuccessful élite after the reestablishment of the nation. The latter documents are particularly significant. While in periods of struggle for national freedom all can unite in a common cause and common ideology, once independence is achieved, long hidden differences come to the fore. Then a nation has to prove that it can establish internal freedom and justice for all its members. In this respect, the present volume is a severe indictment. Even in exile, the remnants of Poland's ruling groups have not been able to free themselves from the spirit of social injustice and—strange in a nation itself so long oppressed—intolerance vis-à-vis its own racial and national minorities. In its last part, the volume documents the renewed struggle for independence. It is one of the great political questions of our century whether sovereignty can be combined with social progress in any but the largest countries and whether progressive forces in smaller nations can avoid being crushed between the upper and nether millstones of indigenous and foreign oppression.—JOHN H. HERZ.

In the present war, both the Army and the Navy have recognized the importance of training officers and enlisted personnel in the work of conducting military government. Those who have undergone such training at Charlottesville, Columbia University, or elsewhere are aware of how scant is the literature covering the earlier experiences of the United States and the other Powers in such activities and, consequently, will welcome the account of the Archangel experience given in Leonid I. Strakhovsky's *Intervention at Archangel: The Story of Allied Intervention in North Russia, 1918-1920* (Princeton University Press, pp. vii, 336, \$3.00). The volume, based both upon personal observation on the spot and upon a thorough examination of relevant materials in State and Navy Department archives, reveals with admirable clarity the interplay of conflicting ideologies, political ambition, and prestige and precedence problems, all of which contributed to making the task of the intervening and occupying authorities difficult. In its military purposes, namely, the prevention of German use of Northern Russian ports as submarine bases, as well as use of war supplies which the Bolsheviks had no time to evacuate, the author considers the intervention to have been highly successful. However, as a support for the North Russian counter-revolution, it was clearly an utter failure. Among the factors to which he attributes responsibility for this were the failure of the Allied countries to form a cohesive and purposeful Russian policy, and the absence of any mass support for the régime organized to overthrow the Bolsheviks. However, the author

places greatest stress, as a cause for failure, upon the refusal of the Allied Governments "to deal with anyone who was not a bona fide democrat," a lesson which one may suspect has been learned too well by Allied authorities charged with the conduct of military government at the present time.—CROMWELL A. RICHES.

In her *Life and Labour in Shanghai* (International Secretariat, Institute of Pacific Relations, 1944, pp. 143, \$1.50), Eleanor M. Hinder tells, as her sub-title states, of "a decade of labour and social administration in the International Settlement." The book is a straightforward exposition of the difficulties inherent in bringing social progress to the masses when the agencies which attempt the task are without legal authorization. The Shanghai Municipal Council did not have the power (nor was it allowed to use fully what power it might have had) to set up new regulations governing the life and work of those who lived in the Settlement. Consequently, the Division over which Miss Hinder presided had to act through persuasion and bluff. Her study shows that those who want to act fairly will do so, while those who do not must be coerced into considering public welfare. Without legal means of controlling recalcitrant individuals, social progress is blocked. Many proponents in the United States of the use of moral suasion in place of governmental controls would do well to read the facts here portrayed; for while progress was remarkable, it was still too slow to meet the needs of human misery. Miss Hinder sees as the bright spot in the future the fact that when the Chinese government gains control of the city after the defeat of Japan, it will probably build on the foundations laid through the devoted services of the staff, both Chinese and foreign, of the Industrial and Social Division whose work has here been outlined. Miss Hinder has made a contribution to the story of man's long struggle to improve living conditions for all.—ANDREW E. NUQUIST.

The seasoned British war correspondent, G. Ward Price, has presented in *Giraud and the African Scene* (Macmillan Co., pp. xi, 282, \$3.00) not only a characterization of the renowned French military figure, General Henri Giraud, but also an extended review of his relations with General de Gaulle and the French Committee of National Liberation in Algiers. A sketch of Giraud's early military career in Morocco and his dramatic escape from the German prison of Koenigstein is followed by a narrative which covers the period from the Allied landings in North Africa through November, 1943, when Giraud resigned his position as co-president of the French Committee. Having developed the contrasting personalities of the two men, the author points out that equally important as an explanation of the differences of opinion which manifested themselves between

Giraud and de Gaulle is the formalist character of the French mind. Faced with a similar problem of provisional government organization, Mr. Price maintains, British or Americans would proceed by the empirical method, whereas Frenchmen prefer that any such scheme be made operative only after it is fully outlined in every detail. For this reason, the divisions which arose in Algiers are important, foreshadowing similar differences likely to occur in France upon the liberation of that country. The author concludes that they might have been materially lessened had an arrangement been achieved in Algiers to utilize the great abilities of General Giraud.—GRANT S. McCLELLAN.

No satisfactory study interpreting characteristic attitudes of the Australian people on issues arising from the war and the peace has hitherto been available to serious American readers. The publication of *Australia and the Pacific* (Princeton University Press, pp. x, 204, \$2.50) is sponsored by the International Secretariat of the Institute of Pacific Relations in the belief that it will fill the need for such a study. The volume is a symposium by members of the Australian Institute of International Affairs for presentation at the Mont Tremblant conference in December, 1942. The papers were prepared by Australians for foreign consumption and were designed to set forth normal attitudes and beliefs of the mass of their fellow-countrymen. The first essay is a penetrating analysis of Australia's position in the British Commonwealth by Professor Bailey, of the University of Melbourne. He finds that although British defeats in Southeast Asia were followed by the lowering of British prestige in Australia, they will lead to no permanent weakening of imperial ties. In another essay, Professor Duncan, of the University of Sydney, argues the essential soundness of the White Australia policy. The volume contains much evidence that in Australia, as elsewhere, geographic factors are potent influences in conditioning what people think.—RALPH A. NOREM.

In *Food for Post-war Europe: How Much and What?* (Food Research Institute, Stanford University, 1944, pp. 100, \$0.50), Mr. M. K. Bennett presents a careful and provocative discussion of one of the world's most urgent problems. As he recognizes, the most accurate part of his pamphlet is the analysis of pre-war Europe's food habits and supplies and of some of the changes resulting from the war. His thesis is that the peoples of continental Europe are much better supplied with food than authorities on the subject have indicated. Doubtless there has been much hasty generalization on this score; but one wonders whether Mr. Bennett has not gone too far in the other direction. Food consumption in western Europe, he declares, is not more than a tenth less than it was before the war; no millions of people are in dire need. Coming to estimates of the

amounts to be imported during the first post-war year, he suggests a total of thirty-two to thirty-seven million metric tons of food and feed. This compares with a pre-war total of about forty million tons, approximately half of which was feed.—G. LEIGHTON LAFUZE.

International Police Force (*The Reference Shelf*, Vol. 17, No. 2, H. W. Wilson Co., 1944, 253 pp., \$1.25), compiled by Julia E. Johnsen, gives some conception of the extent and variety of interest in the problem of an enforced and enforceable peace. Miss Johnsen, who has compiled nearly all recent issues of *The Reference Shelf*, has divided this book into three parts, namely, "General Discussion," "The Case for an International Police Force," and "The Case Against Reliance on International Force." She has assembled thirty-six articles from a variety of sources—from journals such as the *American Journal of International Law* and the *American Political Science Review*, from magazines such as *Fortune*, the *New Republic* and the *Christian Century*, and finally from reports of committees established to study peace organization. Most of the papers reprinted in the volume were written by scholars who deal with fundamentals and avoid romanticism, and the articles are supplemented by a lengthy, well ordered bibliography. This balanced anthology is useful for speakers, debaters, and—I should add—writers of term papers.—GARLAND DOWNUM.

POLITICAL THEORY AND MISCELLANEOUS

There is a certain timeliness in the appearance of *Restoration Puritanism—A Study in the Growth of English Liberty* (University of North Carolina Press, 1944, pp. viii, 129, \$2.50), by Harry Grant Plum. The aim is the highly laudable one of coördinating what the author sees as the "many splendid specialized studies" that have been made of the period and the thought of sixteenth and seventeenth century England—researches such as bear upon the meaning of Puritanism as a force in the growth of the common law, as an expression of the Renaissance as well as of the Reformation in European history, and as a main source of the individual personality according to the modern, Western ideal. Nonconformity has had a somewhat larger part in the growth of English liberty than has been commonly recognized by the historians of English freedom. Through the endurance of persecution and suffering, the Puritan, whether as Presbyterian or otherwise, came to represent a deepening of character, and despite some vagaries to the contrary, on the whole, an acceptance of the liberty of conscience understood as an equation with the principle of toleration. It is perhaps true, as the author would agree with another specialist in this period, J.W. Brady in his *England Before and After Wesley*, that the principal content of the modern English-speaking heritage is more that of a spiritual and cultural than of a political or economic achievement, and that the Evangelical Revival, "which was the heir of Puritanism," has had

much to do with the sustaining of free institutions in that world. These facts bear emphasis in present days. It is to be regretted that they have not been marshalled, in this readable, documented, and otherwise scholarly study, with a somewhat more incisive synthesis.—WALTER E. SANDELIUS.

Mr. William Diamond's study, *The Economic Thought of Woodrow Wilson* (Johns Hopkins Press, 1944, pp. 210, \$2.00 paper, \$2.50 cloth), is especially opportune at this time when statesmen and peoples are again wrestling with the problems of world reconstruction and reorganization after an epochal war. While, as its title indicates, the book is concerned primarily with the economic thought of Wilson, the political constantly injects itself, to occupy almost if not quite the primary position, inasmuch as, as the author observes, "he [Wilson] was interested above all in questions of politics, the distribution of power, sovereignty, the sanctions of law, and the functions of government rather than in how men make their living and how wealth is created and distributed." The study follows the actual development of Wilson's economic thought, which is characterized as "never systematic" and concerned always with "policy rather than analysis," from his advocacy of *laissez-faire* economics, through the period of hesitating support of a very limited governmental action, to his program for the "New Freedom" of about 1910, involving positive action on the part of government. For the accomplishment of economic reform, Wilson believed the reform of governmental machinery essential, and here he favored always the British cabinet system, with strong executive leadership. In the field of foreign affairs in peace and in war, though economic considerations were important to Wilson, political and humanitarian considerations proved paramount. His advocacy of a League of Nations was based eventually on the need he recognized for a "reign of law based upon the consent of the governed and sustained by the organized opinion of mankind," rather than directly on economic considerations as such. That the League of Nations as established reflected in its insistence on the preservation of national sovereignty a "disappearing" world rather than the true twentieth-century world constituted, both economically and politically, its tragic weakness. The writer had access, by Mrs. Wilson's permission, to the manuscript collection of Woodrow Wilson's papers deposited in the Library of Congress; and the personality of Wilson, in its greatness and its weakness, pervades the book—ELLEN DEBORAH ELLIS.

Frank L. Mott, the distinguished dean of the School of Journalism of the University of Missouri, has edited a well-thought-out symposium on *Journalism in Wartime* (American Council on Public Affairs, 1944, pp.

216, \$2.50 paper, \$3.00 cloth). Thirty-two men, active in publishing, editorial, and reporting capacities, have contributed as many short papers on problems of present-day journalism. There are nine sections, dealing with a wide coverage of topics of timely interest to the student of the American press. The general picture of the newspapers in the war is examined first. Analyses are made of the effectiveness of voluntary censorship and the rôle of the press in the maintenance of morale. There is a thoughtful article by Gardner Cowles, Jr., on the newspaper as a focus of institutions in a democracy. Part II deals with censorship, and Byron Price's paper on the subject inspires confidence in him and his office. The late Raymond Clapper is represented with a critical study of the censorship of dispatches going abroad. The third part is on news reporting of the battle fronts. Significantly enough, in their quest for news, the correspondents' corps has suffered proportionately heavier casualties than other branches of the armed services. Ralph H. Turner has an excellent account of the rôle of the picture reporter, and the wire and radio transmission of pictures. Part IV is chiefly a study of Latin-American journalism and "good-neighbor" promotion. Part V is devoted to Washington news. Part VI is concerned with such specialized fields as radio, public opinion polls, books, and advertising. To this section H. V. Kaltenborn and George Gallup have contributed stimulating papers. The seventh part takes up the manpower situation and the problems of the small-town paper. In two concluding sections, the public and the press and post-war reconstruction are examined. Kent Cooper has a suggestive essay on "Newspaper Statesmanship for Peace," calling on the American press to take an active part in shaping the post-war world. Unfortunately, the papers are not all of equal quality. Some of the contributors' generalizations and conclusions are open to serious question. Certain persistent current issues in American journalism, such as the divisive tendencies of some of the newspaper chains, are not even mentioned. An index would have enhanced the book's usefulness. There are all too many typographical errors. A topical heading on "Hemisphere Solidarity," listed separately in the volume, is not so listed in the table of contents. On the whole, however, this is a useful and worth-while book.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

MULFORD Q. SIBLEY

AND

MARJORIE H. SIBLEY

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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REASON, VALUE THEORY, AND THE THEORY OF DEMOCRACY

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I

No serious consideration of the theory of democracy needs explanation or apology today. The scope and limitations of the present treatment of the subject, however, should be made clear at the outset. The object of this article is to deal with the political philosophy of democracy, or, more precisely, with attempts to ground democratic doctrine on first principles of right. Clearly this does not constitute a complete treatment of democratic theory. Such a treatment would have to deal, *inter alia*, with the practical operation of democratic processes under varying conditions. Probably the bulk of any full-length discussion of the theory of democracy should be devoted to such matters. Yet, essential though these considerations are, the problem with which this paper deals is of fundamental importance. For, in general, it may be said of all the "practical" arguments about democracy that whatever validity they have must depend upon some theory of ethics, upon some assumption as to the things that are valuable in this world. In other words, I shall not here concern myself with arguments that in practice democracy is less objectionable than other forms of government, because I feel the inadequacy of such arguments considered by themselves.¹ Rather, I intend to examine the validity of arguments

¹ The position to which I am taking exception is well exemplified by Professor Joad. He writes: "The democrat does not, at any rate in the twentieth century, regard democracy as an ideal form of government, but as the least objectionable form of government that is practicable. It is not a best so much as a second-best, embraced because of the frailties of human nature and accepted less for its own merits than for fear that worse may befall if it be rejected. Thus no systematic defense of democracy is possible, for the reason that democracy is not itself the product of a systematic theory." C.E.M. Joad, *Guide to the Philosophy of Morals and Politics* (New York, 1938), p. 770.

To guard against misconceptions, I should add that it *may* be possible to support

to the effect that democracy is the *ideally* best form of government. Not merely that Platonic and other rival ideals are unattainable, but that democracy is more desirable, is the proposition to be maintained.

A further delimitation of subject-matter will be observed. No attempt will be made to examine the validity of theories which rely upon intuition as to values or ethical principles. Rather, I shall be concerned with the search for a rational and empirical foundation for democratic theory.

The great figures in the history of democratic theory have generally rested their arguments upon ethical doctrines or rationalistic assumptions about human nature which today find little support. For this reason, it is well to review their arguments in the light of current philosophical skepticism and political "realism." I shall attempt, therefore, to reappraise the ethical basis of democracy, having regard both to typical political theorists and to modern ethical thought.

The elements of the democratic ideal which have been subjected to attack are well known. They are the supremacy of reason and the objectivity of values. As Max Lerner remarks, "the rational, right-thinking man has as surely ceased to be regarded the center of our intellectual system as the earth has ceased to be regarded the center of our planetary system."² Skepticism and relativism have eroded away the pillars of truth and righteousness, of reason and objective values, from beneath the structure of democratic theory. It is the precise nature of this erosion that I propose to examine.

The attack upon the "rational, right-thinking man" takes a variety of forms. The type of anti-rationalism which concerns us here does not question the validity of the reasoning process when used as an instrument for the satisfaction of desires. What it does is to deny that man is in any sense "governed" by reason, and to assert with Hume that reason is and should be the tool of the pas-

democracy as a "second-best" form of government on the basis of a different, and possibly more easily substantiated, theory of ethics than that which is required to support it as the ideal form of government. I shall not deal with that question in this article.

² Max Lerner, *Ideas Are Weapons* (New York, 1939), p. 5. See also John H. Hallowell, *The Decline of Liberalism as an Ideology—with Particular Reference to German Politico-Legal Thought* (Berkeley and Los Angeles, 1943), Chap. I, and the same author's "The Decline of Liberalism," in *Ethics*, Vol. 52 (1941-42), pp. 323-349.

sions. In other words, writers of this school challenge man's ability, and especially his proclivity, to harness desire to purpose.

A large part of what is often referred to as the "rationalism" of democratic theory is the assumption that most men possess this proclivity in a degree far greater than now appears to be the case. And when we speak of human irrationality we may refer to failure to deliberate, or to miscalculation of the consequences of contemplated action, or to mistaken evaluation of certain anticipated experience, or to determination to satisfy an instant craving in spite of the realization that the person performing the action will later regret it. We now know that men behave in these irrational ways more than was once supposed, and we also know that it is possible, by deliberately playing upon emotions and prejudices, greatly to increase the probability of irrational behavior. This is the substance of the second form of the anti-rationalist attack.

In reply to this line of argument, it may be pointed out that men like to appear to be rational. The very persistence of rationalization proves that human beings feel a strong compulsion to justify their acts by showing that they are logically related to a socially acceptable end. Having once committed themselves to a position, most men will stick to it even though doing so goes against their interest, rather than be convicted of inconsistency. When this human characteristic is taken into account, the force of the criticism of rationalism may be said in the current military phraseology to have been "contained," that is, a basis exists for a theory demanding a certain degree of rationality in human nature.³

As Lerner points out, it is not only man as "rational," but also man as "right-thinking," that is under attack. It is the fashion in many quarters today to deny altogether the existence of objective values. The most extreme version of this theory is utterly nihilistic. If value is completely an individual affair, there is no basis for discussion of values. It becomes meaningless to say "you ought" to do so and so, or that a certain form of government is "better" than another. It appears to be such a view that is entertained by Mr. Lawrence Dennis, when he declares: "The Fascist scheme of things is an expression of human will which creates its own truths and values from day to day to suit its changing purposes."⁴

³ See Arthur O. Lovejoy, "Reflections on the History of Ideas," *Journal of the History of Ideas*, Vol. 1 (1940), pp. 3-23, at pp. 17-19.

⁴ Lawrence Dennis, *The Coming American Fascism* (New York, 1936), p. 105.

Values, however, may be relative to the nature of men and still be universally, or generally, binding upon men. And this is all that is required for a theory of democracy. It may be held, for example, that values are relative to desire, while maintaining that there is a large measure of coincidence of ultimate human desires. Within this area of coincidence, then, it would be possible to talk and reason about questions of right and wrong. It is important to notice the distinction between these positions, because by means of ignoring it the teachings of relativistic moral philosophers are frequently applied in the field of political theory in a way which their authors would not countenance. An appraisal of the implications of this view for democratic theory must await an examination of theories of democracy.

The attempt will be made here to discover just what assumptions as to the nature of reason and what theories of ethics are presupposed by theories of democracy. As a result, it should be possible to adduce the minimum assumptions in these fields upon which a theory of democracy can be firmly established, and to determine whether the democratic ideal can be supported without dependence upon intuitively derived values.

One further preliminary matter needs to be disposed of: What is meant by "democracy"? This is not the place to become involved in a lengthy consideration of definitions. Let it be summarily and dogmatically stated that the essentials of democracy are here assumed to be equality of ultimate power in determining major issues of public policy for all sane adults, equality before the law, and the guarantee equally for all of certain rights and liberties which are generally judged requisite for the maintenance of the first two essentials and for the basic minimum of individual freedom.⁵

What are the requirements of an ethical theory which will furnish an adequate support for democracy? First of all, a theory which is to show why people generally should accept a democratic ideal must provide a universal, or nearly universal, principle of evaluation and basis of obligation. Secondly, this must be a basis of *political* obligation. It must provide an answer, that is to say, to the question why people should generally support the (democratic) state even when there appears to be a conflict between such action

⁵ Two phrases commonly associated with the basic idea of democracy—"equality or rights" and "human dignity"—do not appear here, but it is believed that their substance is included.

and their individual interests. Finally, the theory must directly support democracy as the ideal form of government. This it can do only by providing an equalitarian principle—one applicable to the claim of equality of rights and of ultimate political power. By their fulfillment or non-fulfillment of these qualifications, we may judge the various theories of democracy.

After brief reference to Natural Rights theories, I shall deal in turn with the political theories of Utilitarianism, Idealism, and Rationalism, and with the application to politics of the ethical theories of R. B. Perry and W. T. Stace. Purely intuitionist theories (both of value and of ethics) are ruled out at the start, as has been indicated above.

II

The Natural Rights theories of democracy may be dismissed briefly. At the root of them all is the doctrine of equality: that all human beings are from birth entitled to equal rights (not, of course, that people are all equal in ability or necessarily that their enjoyments and possessions should be equal). This proposition is for the most part assumed to be self-evident. Where proof is attempted, it adds nothing of substance to the arguments of later writers whom I shall consider more fully.

The reliance of the Natural Rights theorists upon *a priori* principles was treated with disdain by the Utilitarians, especially by Bentham and James Mill. Little time need be spent retracing the familiar ground of the all-too-simple Benthamite reasoning. Happiness (an excess of pleasure over pain) is the end of man. (This proposition is assumed to be self-evident or based upon the believed fact that men always act with a view to increasing their own happiness.) Society's end is the "greatest good for the greatest number." In calculating this "greatest good," "each is to count for one and none for more than one," although nowhere is this equalitarian principle, so reminiscent of the derided Natural Rights school, justified.

The weakness of this philosophical basis, as well as of the defense of democracy which was built upon it, became apparent to the younger Mill, and he strove valiantly to reconstruct the tottering edifice. While admitting at the start that questions of ultimate ends are not amenable to direct proof in the ordinary sense, Mill nevertheless believed it possible to adduce rational considerations capable of commanding intellectual assent to the first principle of

Utilitarianism.⁶ This is the principle that happiness, meaning pleasure unattended by pain, is the *summum bonum*. Mill's attempted "proof" took the line of trying to show that actually all men do desire happiness and that all their actions can be accounted for by reference to this simple fact. "Human nature," he declares, "is so constituted as to desire nothing which is not either a part of happiness or a means of happiness."⁷ The promotion of happiness, therefore, is the only relevant test by which to judge human conduct. Mill remains a psychological hedonist.

He goes on, however, to contend that there are different kinds of pleasure, that some are preferable to others, as is testified by common experience, and that all who are equally acquainted with, and equally capable of appreciating both the pleasures attendant upon employing the higher (mental, moral, and esthetic) faculties and those of lower origin express a marked preference for the former.

It still remains to be proved that the individual should seek to advance the happiness of others as well as to pursue happiness for himself. Although Mill is not satisfied with Bentham's easy assumption that there is never any conflict of interest between the individual and society as a whole, his attempts at proof leave a great deal to be desired. First, he argues that, as each person's happiness is a good to that person, it follows that the general happiness is a good to the aggregate of all persons. But this is sophistry. Anything that adds to my happiness will, to that extent, add to the general happiness; but it does not follow that anything that adds to the general happiness will increase my happiness. Secondly, Mill argues, altruistic feelings are the natural outgrowth of a powerful sentiment, the "social feelings of mankind," "the desire to be at unity with our fellow-creatures."⁸ Consequently, rendering service to others and to society as a whole is a great source of pleasure. Once more, however, the problem of the case where public and private interest clash is left unsolved. Mill's third argument is based upon the superiority of the higher pleasures. The noble character, Mill contends in true Platonic vein, is in fact always happier than the ignoble. But, since he goes on to admit that some noble characters abjure their own happiness for the sake of others, his reason-

⁶ John Stuart Mill, "Utilitarianism," in *Utilitarianism, Liberty, and Representative Government* (New York, 1910), p. 4.

⁷ *Ibid.*, p. 36.

⁸ Mill, *op. cit.*, p. 29.

ing once more falls short of proof, even on his own assumptions as to the facts.⁹

The major weaknesses of the philosophical basis of Mill's political theory to this point can be reduced to two. First, the psychological hedonism which remains basic to his doctrine, despite his modifications of the Benthamite formulation, is at best an oversimplified and inadequate account of the facts. I eat because I crave food, not because I crave pleasure and calculate that I can get it by satisfying my appetite. The Benthamite reasoning is over-rationalistic in assuming that all our actions are preceded by such a calculation. Second, Mill's attempt to show that each of us ought to pursue the happiness of the whole as a means to our own pleasure fails to cover cases where a real sacrifice of pleasure is called for—fails, that is to say, to reduce altruism to egoism.

But, accepting this part of the theory for a moment, let us examine how Mill applies it to the discovery of the ideal form of government. Here he was far from content with his father's rationalism. Rulers are governed as much by the habitual sentiments of their class and by the traditions of their office as by their selfish interests. Nor is accountability necessarily the best way of obtaining an identity of interest between ruler and ruled.¹⁰ Representative government is indeed the ideal, but not because the measures it adopts will certainly be sounder than those which would be adopted by another form of government. It is the effect of citizenship upon the citizen which is most significant, for the first criterion of a good form of government is the degree to which it promotes the general mental activity and raises the moral tone of the community. Mill's defense of representative government on the ground that it forces people to give thought to matters of practical importance to the well-being of society, and that it acts as a school of public spirit, is familiar ground.¹¹ It remains a powerful argument. If today it sounds in any degree intellectualistic and unrealistic, it must be remembered that, while we are inclined to contrast the educative and moralizing effect of democracy with what it might be, Mill was thinking of the opposite case where the

⁹ *Ibid.*, pp. 10-15.

¹⁰ John Stuart Mill, *A System of Logic* (2 vols., 10th ed., London, 1879), Vol. II, pp. 484 ff.

¹¹ John Stuart Mill, "On Representative Government," Chap. III, in *Utilitarianism, Liberty, and Representative Government* (New York, 1910).

citizen has absolutely no responsibility for civic affairs. Mill's insistence upon this "developmental" argument for democracy constitutes his most original contribution to the subject. It stems directly from his admission of qualities of pleasure and from the supreme value which he placed upon the "higher" faculties.

The greatest weakness of this part of his theory, however, consists in the tacit assumption of the equalitarian principle, which, like the earlier Utilitarians, he hardly bothered to support. Yet, if anything, it is more incumbent upon John Stuart to prove this principle than it was upon his father; for, the admission of varying qualities of pleasure having been made, it would be an easy step to argue that the happiness of those whose higher faculties are well developed should count for more than that of others. In accordance with this line of reasoning, an aristocratic form of government well might provide a greater total development of the higher faculties than a democratic government in which the abler and more altruistic members of society were discouraged from political activity by the hopelessness of accomplishing anything in opposition to the ignorant and selfish majority. Mill's failure to defend the principle of basic human equality of right left the whole structure of his defense of democracy floating in mid-air.¹²

III

In some respects, the Idealist political philosophers may be thought of as representing a reaction against Utilitarianism. True, they put greater reliance upon a reason which is alleged to be integral to the human will, which is indeed the law of the will's fulfillment, but they are also less rationalistic in the sense of assuming that human conduct responds readily to rational appeals to self-interest.

¹² The later development of Utilitarian ethics and its application to democratic theory is omitted because of its reliance upon intuitive principles. Henry Sidgwick, for example, might well have developed a theory of democracy on the foundation of his ethical Utilitarianism. That system, however, as Sidgwick was careful to point out, rested upon the intuitively derived principles of "prudence," "justice," and "rational benevolence" (Henry Sidgwick, *The Methods of Ethics* (7th ed., London, 1907).

The same remarks apply to the Ideal Utilitarianism of Hastings Rashdall. See his *The Theory of Good and Evil* (2 vols., 2nd ed., London, 1924), especially Bk. I, Chaps. VII-VIII. The utilitarianism of W. T. Stace as set forth in *The Concept of Morals* (New York, 1937) seems to me to belong in a different category and will be dealt with in connection with the theory of Ralph Barton Perry (see pp. 867-875 below).

Rights, declares Hudson, are "conditions of the best realization of what human beings are ultimately capable of becoming."¹³ Not happiness but the fullest possible realization of the self constitutes, for the Idealists, the *summum bonum*. The most fundamental and inexpugnable of our instincts or desires is the desire, the will, to satisfy all our drives and to develop all our capacities. From the conflict between this will and many of our passing wants arises the feeling of obligation. Indeed, this fundamental will to be one's completest self is the basis of all obligation. Furthermore, man can achieve his fullest self-realization only by making a rational adjustment of his various desires rather than by satisfying one or a few at the expense of complete frustration of the others. The Good is therefore rational, from the point of view of the individual. More than this, the Good is also socially rational, for it involves a course of conduct which brings harmony rather than conflict among the various members of society. This is both because pursuit of ends which involve competition and conflict *ipso facto* leads to a great deal of mutual frustration, and also because the development of the mental and moral capacities will in fact be found to be the best way of avoiding internal as well as social conflicts. Service to society provides the greatest opportunities for realization of one's capacities, for the most complete satisfaction.¹⁴

While open to serious challenge,¹⁵ this aspect of Idealist political theory avoids some of the pitfalls of Utilitarianism. The psycho-

¹³ Jay William Hudson, *Why Democracy?* (New York and London, 1936), p. 62. This recent formulation of idealistic political theory is relied upon heavily in the following paragraphs because it is perhaps the most careful statement of the case for democracy based upon Idealist philosophy. Among moderns, Idealist democratic theory can be traced back at least as far as Rousseau. However, most Idealists, like T. H. Green, who gave the first full expression of ethical theory by an Idealist in English, have not devoted themselves at all fully to a consideration of the theory of democracy.

The theory of rights described above has been adopted by political theorists who consider themselves far removed from the Idealists. Mr. Laski, for instance, defines rights as "those conditions of social life without which no man can seek, in general, to be himself at his best." Harold J. Laski, *A Grammar of Politics* (London, 1925), p. 91.

¹⁴ Hudson, *op. cit.*, pp. 70-76, and William Ernest Hocking, *Man and the State* (New Haven, 1926), Chap. XXI.

¹⁵ A major difficulty arises out of the fact that even the development of mental and moral capacities may depend upon material goods of which there is a limited supply and which therefore "admit of being competed for." In so far as Idealists attempt to meet this difficulty, it is generally by arguing that the fully developed self is characterized above all by good will.

logical assumptions are more realistic. Let us consider for a moment the extent to which unsupportable rationalistic assumptions enter into their case for the universality of value-judgments. As long as it is conceded—and it can hardly be denied—that man has the power to reason, that he does sometimes modify his impulses in the light of reflection, that he has an ineradicable impulse to reduce his conflicting desires to harmonious order, and to seek to justify his acts in terms of a social purpose which extends outside himself and includes the whole of society—as long as these conditions are conceded to exist, the ethical foundation of the theories in question is not shattered by the fact that man's proclivity to harness desire to purpose by the use of reason is not as powerful as once was thought.

The real question, then, relates to the extent to which human desires can be harmonized both within individuals and within society as a whole. This, in turn, depends upon the validity of the contention that the greatest—that is, the most intense and lasting—satisfactions are derived from conduct which is socially harmonious rather than competitive. In principle, at least, this is an empirical matter, capable of verification. On this proposition, rather than upon the rationality of man, the center of attention should be focussed, for, if it is sound, there is a firm foundation for rendering universal value judgments, even though man's irrationality may often lead him to act against his own real interest.

To be sure, the theory as thus far related is not a theory of democracy. It is essential to such a theory, however, for without a basis for rendering judgments of right and wrong an ethical basis of democracy would be impossible. Democracy cannot be grounded upon first principles of right if there are no such things. Furthermore, the consilience of real wills which the Idealists believe exists provides an easy opening for democratic theory by removing a serious obstacle; it is not necessary, according to this account, to sacrifice one group to another, for each can achieve the fullest self-realization possible for him by acting in ways which will promote the greatest possible self-realization of all others.

It remains, however, to deduce some principle of equality before this philosophy can be developed into a completely democratic theory. This Idealists do in various ways. First, they argue that all men and only men are possessed of reason and a moral nature,—the latter because reason makes possible deliberate choice in the

light of calculated consequences. The importance of this common factor is so great, it is contended, that all other differences pale into insignificance beside this basic equality. A slight variant of this argument is the contention that because men's capacities are measureless it is impossible to compare one man with another in terms of fundamental worth, for worth must be measured by reference to potentiality rather than realization. This argument may be reinforced by the additional point that an individual can attain his fullest development, or self-realization, only if he is presumed to be capable of indefinite growth. Or, it may be said, it is the nature of the rational impulse itself to strive for a harmony which is all-inclusive, and to recognize the validity of the claim for equal consideration. Finally, this argument may be cast in less rationalistic mold by leaving out reference to the "rational impulse" and merely asserting that human nature is so constructed that an individual self can achieve its most fully satisfied condition only by coöperation with others and by sharing their purposes, only in a society in which all other individuals are recognized equally with it as ultimate centers of value, or as ends-in-themselves.¹⁶

Granted the Idealist arguments regarding the nature of the Good and the equality principle, it is comparatively easy to erect an ethical case for democracy as the ideal form of government. The self whose realization is the object of all endeavor is a self which is conscious of community of interest with all other men. But how better can such a consciousness be developed than by popular participation in and responsibility for government? Nothing can more surely induce men to become increasingly rational than the opportunity to exercise reason in regulating matters affecting their own vital interests. And this is precisely what democracy involves. Furthermore, morality by its very nature cannot be imposed, but must be self-developed. Everyone, therefore, should share in the control of the state, which is the supreme organization for the regulation of human conduct.¹⁷

At this point, the theoretical and practical arguments easily merge. If all men are to be treated as ends-in-themselves, which

¹⁶ Hudson, *op. cit.*, pp. 73-79; William Ernest Hocking, *The Lasting Elements of Individualism* (New Haven, 1937), p. 35; A. D. Lindsay, *I Believe in Democracy* (London, 1940), pp. 11-12; Marie Collins Swabey, *Theory of the Democratic State* (Cambridge, 1937), p. 19.

¹⁷ Hudson, *op. cit.*, p. 28.

is to say as presumptively equal, some way must be found to validate that presumption. It does not mean, of course, that all men must have the same opportunities in the sense, for example, that all men might claim the same education regardless of their abilities. On the other hand, the bare principle of equality of consideration is not enough. It leaves so much to the evaluation of what each person's needs and abilities merit that a system which does not provide some guarantee of the fair application of the principle of equal consideration can hardly be called democratic. It would seem, therefore, that the presumption of equality which is basic to democracy requires, ideally, that the tests used in determining whether certain individuals are worthy of opportunities in excess of those which are open to all must be such as meet with well-nigh universal assent. Nothing less can insure a fair application of the equality principle.

With reference to the Idealist theory of democracy as a whole, it may be said in summary that its unproved assumptions are not rationalistic in the sense in which we have been using that term. They do not depend upon any particular degree of rationality of human conduct. Rather, they gain their force from the fact that in some measure, at least, man has the capacity and desire to achieve a rational ordering of his own life. The validity of the Idealists' case depends upon the accuracy of their belief as to the means to the fullest human satisfaction. This may be tested both by observation of others and by introspection. Certainly the discovery that man uses his reason in large measure to satisfy his passions does not seriously undermine these arguments. The question is how he can most fully satisfy his passions, including his passion to be rational.¹⁸

With only slight modifications, the theory just described can be, and has been, adopted by others, who are not philosophical Idealists, but who perhaps may best be described as Rationalists. This may be said, for instance, of L. T. Hobhouse, a modern exponent of the Liberal tradition and a violent antagonist of Bosanquet's brand of Idealist political philosophy. Hobhouse dropped out the metaphysics of self-realization and talked instead about a harmony of interests as the *summum bonum*. Like the Idealists, he believed

¹⁸ To be sure, Idealists might seek further support for their arguments by reference to their general metaphysical position regarding the relation of the individual self to God, or the Absolute; but the theory, as stated above, can stand alone.

that men should pursue this harmony because in that way they can achieve the greatest satisfaction of their conflicting demands. Like them also, he believed that individual harmony can best be achieved through social harmony. The social harmony must not be imposed from above, but achieved from below by the "self-directing power of personality;" for the full and harmonious development of personality requires above all the development of "will, of personality, of self-control, or whatever else we please to call that central harmonizing power which makes us capable of directing our own lives."¹⁹

Finally, once more in agreement with the Idealists, he held that "the impulse to establish harmony in the world of feeling and action—a harmony which must include all those who think and feel—is the essence of the rational impulse in the world of practice," "the persistent impulse of the rational being."²⁰ No reasoning can be valid which opposes this principle, because it is integral to the reasoning faculty itself.²¹

IV

If we shift our attention from the Idealists and Rationalists to more recent ethical theory, we find a difference, partly in temper and partly in substance. Moral philosophy is less inclined than it once was to identify the good with self-realization or with an abstract rationality. This is particularly true of Professor Perry and his followers. The Good is still held by philosophers of this school of thought to be derived from interest, as was the case in a sense with Utilitarians, Idealists, and Rationalists, but it is no longer maintained that all interests can be rationally integrated. Good is defined directly in terms of the satisfaction of interest, without the interposition of a metaphysical and somehow transcendent

¹⁹ Hobhouse, *Liberalism* (New York, 1911), p. 123.

²⁰ *Ibid.*, p. 130. Since Hobhouse nowhere fully develops a justification of democracy, one can only surmise that he would support the principle of equality along lines similar to the Idealists. There is at least a hint of such an approach in the passages quoted above.

²¹ H. J. Paton's coherence theory of Good appears to me to be substantially the same as Hobhouse's theory of the Rational Good as far as concerns its application to the theory of democracy. On the problem of individual *versus* social good, note, for example, his statement that although goodness ultimately resides in the actions of individuals, "the goodness of an individual seems to belong to him primarily when he wills to make himself a vehicle of the whole, when he wills his actions and determines his life as an element in the wider coöperative activity of the whole." H. J. Paton, *The Good Will* (London, 1927), p. 307.

"self," and without attempting to measure the good by any standard outside of the individual, such as "social harmony."²²

At first glance, it might appear that a theory which makes the Good a function of interest would be disastrous to liberal democracy. As Professor Perry himself has said, "the canker at the heart of modern liberalism is the suspicion that its hallowed morality is only one prejudice among others."²³ It should be clear from our discussion of other theories, however, that this need not be the case. If in fact there is some constancy and universality about the nature of human desires, or interests, then it follows that to that extent values are constant and universal. The complete relativism of Westermarck obscures this important fact by its definition of value in terms of that which is thought valuable, thus opening the door to an infinite regress and evading the important task of examining the empirical question of what experiences in fact do prove to be most valuable or satisfying.

How great is the area of common or harmonious interests then becomes an empirical matter, to be determined by investigation. Although reason does not always produce harmony, it is a tool which may be used to discover new ways of satisfying the maximum of desires harmoniously.²⁴ Furthermore, man has also the faculty sometimes referred to as the "practical reason," by means of which he can and does evaluate and regulate certain desires in the light of others and of his more settled purposes.²⁵

Certain corollaries may be deduced from the principle of maximizing satisfaction which will be of assistance in making evaluations. Thus it may be suggested (1) that the more durable satisfactions are to be preferred to the less durable, other things being equal; (2) that the more basic and intense satisfactions are to be preferred to the more superficial; and (3) that the more harmonious satisfactions are to be preferred to the less harmonious. Accordingly, it would appear that the satisfactions to be derived from love, wisdom, health, sense of workmanship, devotion to beauty, and economic security are better than those derived from tyrann-

²² See Ralph Barton Perry, *General Theory of Value* (New York and London, 1926), p. 115.

²³ Ralph Barton Perry, *Shall Not Perish from the Earth* (New York, 1940), p. 21.

²⁴ Perry, *General Theory of Value*, p. 88.

²⁵ See Arthur E. Murphy, *The Uses of Reason* (New York, 1943), pp. 97-105, and W. T. Stace, *The Destiny of Western Man* (New York, 1942), pp. 264 ff. and especially p. 278.

nical power over people, bigotry, acquisitiveness, military prowess, and racial or nationalistic pride.²⁶

In other words, it once more appears that the individual can in general gain the fullest satisfaction, and hence the greatest good, by seeking to fulfill his needs in ways that do not conflict with the needs of others and by developing those capacities which are least competitive in nature, such as the intellect and the desire to serve others, whether through the advancement of science or political leadership, or even more direct forms of social service. Unlike the theories we have previously surveyed, however, this theory does not assert that there will never be an irresolvable conflict between individual interests. A satisfaction which produces harmony may be preferred because of superior durability or intensity. When such conflicts appear, we must either import some other principle—basically intuitive—or we must give up and say that in such instances there is no ethical solution. The latter is Perry's position.²⁷ How serious such an admission would be for the theory of democracy depends entirely upon the nature and extent of such conflicts. It is at least conceivable that they might be few and unimportant enough to create relatively inconsequential hiatuses in the network of ethical imperatives supporting the structure of democratic doctrine. The area in which human purposes are consilient and ultimate interests common and sharable, or at least non-competitive, may turn out to be very large.

In a world in which competition and conflict are so prevalent and such abundant sources of crises, it is easy to overlook the extent to which man is a social animal. A little reflection, however, will demonstrate that he is dependent upon society even more for satisfaction of his psychological needs than for that of his physical needs. He is sympathetic, as well as ambitious, as Rousseau pointed out, and as even Hobbes, in a moment of weakness, admitted. His simplest joys are multiplied on being shared or enjoyed in company. He requires human affection—what more barren than a life without it?—and needs, as well, to give affection to others. While this is most commonly and intensely experienced within small circles, there seems to be no limit to the extent to which happiness can be increased by widening the circle of sociality. In fact, men find

²⁶ Melvin Rader, *No Compromise—the Conflict between Two Worlds* (New York, 1939), pp. 82–83. Cf. Perry's standards of intensity, preference, and inclusiveness. *Op. cit.*, Chap. XXI.

²⁷ Perry, *General Theory of Value*, p. 655.

happiness in the bare fact of the happiness of others; and the sufferings of others, other things being equal, are painful to him.²⁸ Furthermore, the socializing effects of the sympathetic nature of man are buttressed from an unexpected source—his approbateness. To win the respect and commendation of others, it may safely be asserted, is a universal yearning of human nature. Surely to minister unto the needs of others, to care for them, to seek to advance their interests, and in general to treat them as ends-in-themselves, are the surest ways to win their approbation. Life in the sort of society which is produced by such behavior is also, in itself, a source of intense and enduring satisfaction.²⁹

To be sure, men frequently derive satisfaction from behavior which is anti-social and which denies all consideration for the behavior of other men. The case for the inferiority of these modes of behavior must rest upon a judgment that in general and in the long run, either because of their intrinsic nature or because of the reactions they produce on the behavior of others, such kinds of behavior will produce less satisfaction than those described in the preceding paragraphs.

Up to this point, in discussing the application to democracy of Perry's ethical theory, nothing has been said about a principle of equality, or of the ultimacy of the individual. As to the latter, there can be no question. Perry's theory stems entirely from the individual and his satisfaction. Nothing can be more ultimate in his ethical system. On the matter of equality, in the sense in which we have found it implied in democratic theory, Perry's position has not been expressed so clearly. It should be noted, however, that the arguments set forth in the preceding paragraph (which are not Perry's, but are entirely compatible with his position) seem to imply not only that human beings will normally achieve the greatest satisfaction by conduct which promotes community, but also that the achievement of community can be accomplished only by treating all human beings as potentially equal—that is to say, by setting

²⁸ See W. T. Stace, *op. cit.*, Chaps. XI and XII, especially pp. 262-277, and also *The Destiny of Western Man* (New York, 1942), Chap. XII.

²⁹ Cf. the statement by Arthur E. Murphy that "when men cooperate freely, through their reasonable acknowledgement of mutual responsibilities, as members of a 'kingdom of ends,' a level of conduct is achieved which is of peculiar value, a moral order which makes sense of much in human nature that without it would remain frustrated and unfulfilled." Arthur E. Murphy, *The Uses of Reason* (New York, 1943), p. 117. See further the whole of Pt. II, Chap. I.

up that presumption of equality which I have argued constitutes the essence of the democratic spirit, and so the justifying principle of political democracy (see above, p. 866).

Perry himself may be said to support this position, at least by implication. The argument runs something like this. As has already been pointed out, your values and mine are ultimately incommensurable on the basis of Perry's position. The only way to resolve a conflict, then, is to remove it. The only real solution is one which receives the concurrence of all.³⁰ It does not follow from this, of course, that there must be such a solution, and Perry is careful to say that there may not be. But we are all under obligation to seek such a solution, for in the resulting completely harmonious society we should find our completest satisfaction—our *summum bonum*.

There are indeed passages in which Perry seems to look beyond the principle of satisfaction of interests for support of the democratic principle of equality. In a recent popular defense of democracy, for example, he appears to fall back upon the argument of the Idealists and the Rationalists that a basic equality of right is derivable from the fact that every man has in some degree, actually or potentially, the faculty of reason.³¹ Elsewhere, in a much earlier work, Perry bases the democratic postulate, or something very close to that postulate as it has been defined in this article, upon the notion of justice.³² He nowhere clearly tells us why we should be just. The relationship between the theory of *The Moral Economy* and *The General Theory of Value* is not made clear. A possible line of argument, of course, would be to contend that as a matter of fact one who leads a just life can obtain more complete satisfaction than one who does not.³³ It is not at all clear, however, that Perry is willing to go this far.

³⁰ Perry, *op. cit.*, pp. 669–674.

³¹ Perry, *Shall Not Perish from the Earth*, p. 29.

³² Ralph Barton Perry, *The Moral Economy* (New York, 1909). Notice this passage: "Justice imputes a certain inviolability to the claims of that unit of life which we term loosely a human, personal, moral, free, or rational being. There is some sense in which you are a finality; making it improper for me simply to dispose of you, even if it be my sincere intention to promote thereby the well-being of humanity" (p. 64). And again: "Discussion involves mutual respect, in which each party acknowledges the finality of the other as a vehicle of truth. This, I believe, is that moral equality, that dignity and ultimate responsibility attaching to all rational beings alike, without which justice cannot be fulfilled" (p. 66).

³³ Speaking, in *The Moral Economy*, of presumptive equality, Perry wrote: "I . . . mean that there is an idea that the best life is for all; and that if there are many that

In summary, then, it appears that the relativistic ethics of Perry—if such it can be called—is so far from being nihilistic that it provides as firm a foundation for democratic theory as any we have examined. It provides a basis for obligation which, if not universal, is wide indeed, and a doctrine of presumptive equality at least as water-tight as those examined previously.

V

Before attempting to bring together our findings in general, it would perhaps be well to establish more clearly the relationships between the various writers considered. For example, a word should be said about Mr. Stace. His theory has been treated as though it were fundamentally the same as that of Perry. From the point of view of the purpose of this article, I believe that treatment sound; but it needs explanation. Unlike Perry, Stace believes that happiness is the final source of value, the *summum bonum*. However, happiness comes from satisfaction, although not all satisfactions, he holds, are equal in producing the durable condition of well-being known as happiness. Furthermore, his analysis of the conditions leading to the maximization of happiness, as has already been pointed out, is similar to Perry's analysis of the conditions for maximizing satisfaction and, if anything, even more favorable for democratic theory.

What about the relationship between Perry and Stace on the one hand and the Idealists and Rationalists on the other? Here again the differences prove of little significance for our purposes. Whether we talk about self-realization, the rational impulse, satisfaction, or happiness (as those terms are defined by the writers in question), our notion of the Good is definitely tied to human nature. By any of these tests, the basic facts regarding the physical and psychological needs of man and the ways in which he reacts and the feelings of satisfaction or dissatisfaction (happiness or unhappiness, harmony or disharmony, oneness with his conception of his highest self or the reverse) which attend on certain behavior on his part and that of others are the relevant facts for determining

are incapable of entering into it, then they must be helped to be capable. And I mean, furthermore, that *this idea works irresistibly*. It commands the support of the whole army of interests. It will never be abandoned because it makes for the increase of life on the whole; and hence no social order will henceforth be stable that is not based upon it." Especially the last sentence suggests that Perry is arguing only that more people find satisfaction in a just society than in an unjust one.

right conduct. This is an empirical matter. True, the evidence is so extensive and so intangible that at many points it is impossible to obtain a judgment that is much better than conjectural. The encouraging fact, however, is that on a great many points the judgment of mankind, and especially of those who have given particular attention to such problems, shows remarkable agreement. Our review of the principal non-intuitionist theories of ethics of recent times indicates such a concurrence of judgment regarding the principles basic to democratic theory.

The answers to the questions posed at the outset should now be evident and capable of brief formulation. Those questions were: What are the minimum assumptions for a valid democratic theory of the state? And how is such a theory affected by skepticism about the "rational" and "right-thinking" man? It has been argued here that the answer to the first question must be approached as follows. One who would defend democracy as the ideally best form of government must first find some standard of right which is universally applicable, or nearly so, and then must prove that the realization of the Good entails an important measure of individual liberty, of freedom to make significant choices, for all. The last phrase is vital. Adherence to the principle of presumptive equality is the final test. From these premises it is a fairly simple matter to establish the case for democratic government as a necessary condition to the democratic way of life which the premises imply.⁸

The search for a universal standard of right and for a basis for the equality principle has led to the conclusion that no cosmic scheme of values is required for our purposes. By finding in the general characteristics of human nature a basis for principles of right conduct, the need for universality has been met. There is also persuasive empirical evidence for two propositions regarding what kind of conduct most fully satisfies the requirements of human nature. First, such satisfaction is derived from conduct which contributes to harmonious social living. This adds to the basis for obligation a basis for political obligation, as explained above. Secondly, recognition of the principle of presumptive equality is also essential to such satisfaction. This completes the requirements for an ethical theory which can support a theory of democracy.

It is true that it is by no means agreed that there are not instances where there is no way of reconciling clashes of interest. Further-

more; there are probably also cases in which an individual might be able to obtain greater satisfaction by violating the principle of equality than by acting in accordance with it. If this is correct, it can only be concluded that for such a person, in such an instance, action in accordance with the postulates of democracy is not ethically required. To conclude otherwise would involve making some assumption for which no rational justification is evident. But this conclusion need not alarm supporters of democracy. If the empirical judgments which have been set forth above are correct, in the vast majority of cases good behavior will be democratic behavior. The exceptions will be so few that they need not cause serious concern.³⁴

What, then, of the attack upon the "rational, right-thinking" man? If by "right-thinking" is meant a man who somehow knows and tends to follow principles of conduct rooted in some cosmic sense of values, it appears that no such assumption is essential to democratic theory. Hence this attack need not concern us. The fact of human irrationality is not incompatible with the theory here set forth. That theory requires that man should be able to calculate and to deliberate, should have the faculty of mediating between conflicting interests, and of subordinating immediate impulses to settled purposes; but these are all matters of common observation, although frequently their full significance is overlooked.

One corollary of our examination of the effect of skepticism upon democratic theory needs to be pointed out. If our argument to the effect that democracy can be adequately supported by the use of rational and empirical methods is sound, there is no need to turn to pure faith for such support. True, democracy is not likely to survive unless its supporters have strong emotional commitments to its principles—unless, indeed, they have faith in its ideals. But that faith, to endure, must be grounded, more or less consciously, upon some rational and empirical foundation. In fact, those who argue that the values upon which democracy rests are beyond rational criticism or evaluation by reference to empirical evidence

³⁴ It must be remembered that we are not concerned with mere individual instances in which action in accordance with democratic principles cannot be shown to be to a person's interest in that instance *taken by itself*. All that is required is that *on the whole* democratic institutions tend to maximize the individual's satisfaction. He cannot expect to be permitted to enjoy such institutions if he insists on abiding by them only in those instances in which they benefit him.

jeopardize the very values they are defending.³⁵ Their opponents can and do assert *their* values as equally self-evident truths.

In other words, we must not fly from skepticism to the opposite extreme. Those of us who are committed to scholarship and the light of reason should not give up the effort to find a rational basis for whatever doctrines we espouse. If we find in man a universal tendency to justify his actions in terms of social well-being, the cornerstone of our structure has been laid. And if we discover that man has an inherent proclivity to strive for an all-inclusive harmony, or that so to strive is a necessary condition of self-realization, or of realization of the Good, or of complete satisfaction, then we have our structure well on the road to completion. The finishing touch is added when it is stated that human beings can approach this all-inclusive harmony only on the basis of a recognition of a certain ultimate human equality, such as is involved in treating every man as an end-in-himself. This completes the theory—the ethical foundation of democracy as the ideal form of government; and, it is submitted, except for theories which rely upon intuition, it constitutes the irreducible minimum for such a theory.

³⁵ For a strong statement of the position that democracy must be based upon "transcendental" values, which are "not susceptible to empirical proof" and "must be accepted upon faith," see John H. Hallowell, "The Decline of Liberalism," *loc. cit.* (note 1 at p. 342). Note also Willmoore Kendall's assertion that the principle of majority rule is "self-evident" and incapable of proof or disproof. Willmoore Kendall, "The Majority Principle and the Scientific Élite," *Southern Review*, Vol. 4 (1938-39), pp. 463-473, at p. 465. An elaboration of the dangers involved in the refusal to analyze the basis for democratic beliefs may be found in an article by Sidney Hook on "The Philosophical Presuppositions of Democracy," in *Ethics*, Vol. 52 (1941-42), pp. 275-296, at pp. 275-276.

LEGAL AND ECONOMIC FACTORS AFFECTING SOVIET RUSSIA'S FOREIGN POLICY, II

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Washington, D. C.

III. CONDITIONS FORESHADOWING THE SOVIET-NAZI PACT AND WORLD WAR II

There are abundant controversial treatises bearing on Soviet-Nazi relationships, with their consequent effect on world power politics.²⁸ The observations summarized herewith may shed light on recent developments, suggesting the cataclysm that today shakes the world.

(1) Mutual distrust on the part of the British and French governments on the one hand and the Soviet régime on the other, dating back to the Revolution of October 7, 1917. In a large measure, this is due to the fact that there have been, and there are now, active Communists and sympathizers in England and in the United States to propagandize the Soviets' point of view and to apologize for the faults of the Stalin régime. Conversely, there have never been, and there are not now, democratic agents and sympathizers at large in Soviet Russia to represent and interpret Western ideas of democracy either to the Russian people or to the Soviet leaders. There is a school of thought represented by distinguished scholars in America and England which contends that the Soviet overtures at Geneva looking toward disarmament were naively insincere. Ambassador Litvinov's personal motives were, however, beyond reproach. The argument advanced is that

"in the light of Soviet revolutionary expediency, Litvinov's program of disarmament was another illustration of the Kremlin's deceit in its international bargaining. . . . As such, the Soviet policy of championing world disarmament, though outwardly inconsistent with the revolutionary need of an army, was not in discord with the Marxian credo that the end justifies the means. . . . To the Soviets, international war and peace are not two diametrically opposed and mutually exclusive phenomena, but two equally important means, supplementing each other in the communists' advance towards their final revolutionary goal."²⁹

²⁸ Frederick L. Schuman, *Night Over Europe; The Diplomacy of Nemesis, 1939-40* (New York, 1941); Vera Micheles Dean, "Russia's Rôle in European Conflict," *Foreign Policy Reports*, Vol. XV, No. 24, Mar., 1, 1940; E. Straus, *Soviet Russia* (London, 1941).

²⁹ T. A. Taracousio, *War and Peace in Soviet Diplomacy* (New York, 1940), pp. 275 and 295. This scholarly treatise was published under the auspices of the Bureau of International Research, Harvard University and Radcliffe College.

Recent military developments seem to point in the opposite direction; the Soviets have been motivated, not by conquest, but by sheer self-preservation. The Soviets' foresight and military preparedness have been the outstanding single determining factor in the ultimate defeat of Nazi Germany.

(2) Germany and Turkey were among the first countries in Europe to establish relations with Soviet Russia after 1917. This fact is important to an understanding of Russia's later relations with Nazi Germany. Since the days of Bismarck, German policy toward Russia has been guided by two major considerations: (1) the Germans have regarded Russia as an essential source of food and raw materials, as well as a market for their manufactured goods and their technical exports; (2) they have feared the possibility of war on two fronts, and have again and again sought to insure the Reich against war in the East.

The Kremlin suspected that both Downing Street and the Quai d'Orsay remained inimical to the Soviet Union, and might attempt to divert Germany from the West by creating a new theatre of war in the Balkans and the Near East, where they would attempt to draw Russia into war against the Reich. This suspicion, latent in the Soviet Union for many years, was sharply increased in July, 1940, when the German Foreign Office, following the occupation of Paris, issued a White Book alleging that France and Britain had planned to attack Soviet oil fields in the Caucasus with the aid of Turkey and Iran. As far as the limited available data indicate, these allegations have not been denied.³⁰

(3) The subterranean interplay of alliances effected by the British and French governments, with the tacit consent of the government of the United States, prompted the Soviet government to seek and to maintain its own equipoise of political power by *means other than war*. Consequently there has always been an undercurrent of anxiety, and the Soviet Union has always been poised for an emergency. Soviet economists and political scientists are aware of this phenomenon and are frank in voicing their observations:

"We entertain no illusions in regard to the bourgeois democracies. We know they are nothing but one of the expressions of the bourgeois

³⁰ See editorial, "Razablaehennye Planny Organizatorov Voyny ("Revealed Plans of Organizers of War"), *Izvestiya*, July 5, 1940. In this connection, see also the statement made by Vyacheslav M. Molotov at the Fourth Session of the Supreme Soviet of the U.S.S.R. on August 31, 1939, and published in *International Literature*, Nos. 8-9 (Moscow, 1939).

dictatorship. Yet, in comparison with absolute lawlessness, oppression, enslavement, and the hell which is suffered by the proletariat under Fascism, the bourgeois democracy has not a few advantages. Marxists have always considered the bourgeois democracy as a great advance as compared with feudalism and absolutism."²¹

In an address delivered at the Eighteenth All-Union Communist Party Congress on March 11, 1939, Dmitri Z. Manuisky, member of the executive committee of the Communist International, poured scorn on the policy of Britain and France in capitulating to fascism:

"The plan of the English reactionary bourgeoisie is this:—sacrificing of the small states of Southeastern Europe to Fascist Germany and to direct Germany eastward, namely, against the U.S.S.R., to attempt by such a counter-revolutionary war to retard the further successes of socialism and the victory of communism in the U.S.S.R.; to bribe Germany from her imperialistic designs on English colonies."²²

He further charged that British reactionaries planned to divide Spain with Italy at the expense of France, woo Italy from the Axis and Germany, and participate in the partition of China after Japan and China had both become weakened.

Curiously enough, the Soviets' charges against the men and forces responsible for the present débâcle have also recently been echoed by the former Foreign Minister of Italy, who stated:

"The Italian people would have overthrown Fascism at the start of the Ethiopian adventure if the honest backing of the League had been given them. The responsibility for their failure to do so rests with the "Official" foreign foes of Mussolini, who were in reality his secret supporters. This strange phenomenon has not quite disappeared. For that reason the United Nations may, with regard to Italy, face new disillusionment, further loss of prestige and precious time."²³

Soviet leaders have spoken and written with equal vehemence and in similar vein. In this connection, a statement made by one of Stalin's key "yes-men" merits quoting:

²¹ Eugene Varga, "25-Letie Imperialisticheskoi Voiny ("25 Years of the Imperialistic War"), in *Mirovoye Khoziaistvo i Mirovaya Politika* ("World Economics and World Politics"), Nos. 7-8, pp. 9-10 (1939).

²² *Pravda*, Mar. 12, 1939. Excerpts from Manuisky's address analyzing other phases of the Party's activities, particularly those dealing with the growth of membership in foreign countries, were published in the *New York Times*, Mar. 13, 1939.

²³ Count Carlo Sforza, "Thoughts on World War III", *The Nation*, Vol. 155, No. 1, July 4, 1942.

"The British and French Governments have no wish for an equal treaty with the U.S.S.R., that is, for the only kind of treaty to which a self-respecting state can agree. They desire a treaty in which the U.S.S.R. would play the hard laborer shouldering the entire burden of obligations. They talk about a treaty with us only to speculate before public opinion in their countries on the imaginary unyielding attitude of the U.S.S.R., and thus make easier for themselves the road to deal with the aggressors."²⁴

This official warning was evidently issued with a view to calling the attention of public opinion in Britain and in France to the fact that those governments should be headed by men who would evince confidence in Soviet leaders, and not by the leaders who betrayed Czechoslovakia at the ill-fated Munich Conference. The Soviets thus embarked upon a preventive encirclement strategy; the fear of aggression gradually moved them to counter-aggression.

Soviet legal writers spared no effort in insisting that the main purpose of the proffered rapprochement of London and Paris with Moscow was to use the Soviets merely as tools for their own interests. Proudly crediting themselves with loyalty to Stalin's precept that Soviet policy should always be oriented toward the U.S.S.R. only, it was not the intention of the Soviet Government to be provoked into conflicts by the instigators of war. The vital interests of the Soviets dictated rapprochement with Germany; and the pact of August 23, 1939, was the way to safeguard those interests.²⁵ As evidenced by subsequent events, the "Pact" was an honest one, since neither party expected to keep it in force.

(4) Maxim Litvinov's failure to establish an effective system of collective security, i.e., to check aggression before it occurred, and the subsequent withering away of the League of Nations, again convinced the Soviets that they would have to rely on their own efforts in warding off or resisting attacks by Germany and/or Japan. Consequently, the foreign policy of the Soviet Union was shaped in terms of *Realpolitik*, as reflected in the fluctuating trends of international relations during the last decade.

²⁴ Andrey Zhdanov, in *Pravda*, June 29, 1939. At the time this article was published, Andrey Zhdanov was chairman of the Committee on Foreign Relations of the Supreme Council of the Soviet Union.

²⁵ Josif M. Lemin, "Sovetsko-Germanskii Otnosheniia" ("Soviet-German Relationship"), in *Mirovye Khoziaistvo i Mirovaya Politika*, No. 10 (1939) pp. 38 ff.; "Torzhestvo Stalinskoi Politika Mira" ("Triumph of Stalin's Peace Policy"), *ibid.*, No. 11 (1939), pp. 82 ff.

Contending that the British and French governments sabotaged all efforts in behalf of "collective security," the Soviet government was very reluctant later to participate actively in "collective action" against aggressors, because such action might involve it in war with Germany and Japan simultaneously. This it sought to avoid at all costs. Subsequent events have demonstrated the far-sightedness and wisdom of Litvinov's judgment in his advocacy of effective "collective security" and "durable peace." Litvinov failed in his mission with honor and sincerity.

(5) The Nazi-Soviet Pact was consummated, so it seems, in the belief that the Nazis would conquer their imperialist rivals. Hence Stalin undertook to present Hitler with the domination of Western Europe. However, the Soviet régime realized too well that a victorious Nazism was bound to be, soon or late, the mortal enemy of the Soviet Union. This observation may be substantiated by the fact that three days after this Pact was announced the Soviet government instituted universal compulsory military service, and that it later reduced the initial military age from twenty to eighteen and one-half years.³⁶

Subsequent events proved, however, that the benevolent neutrality of the Soviet government toward Nazism greatly increased the latter's chances of success. Moreover, the grave mistake by the Soviets lay in their miscalculations, and in not realizing that by signing the Pact they helped the Nazis to become so strong militarily and politically as to seem to warrant their unprovoked onslaught on the Soviet Union itself.

As indicated earlier, it seems that imperialist ambition of the Soviet government was and is a secondary factor, if a factor at all, in its foreign policy. One of the primary considerations of the Soviet régime in concluding the non-aggression pact with Hitler was a desire to avoid war with its most dangerous potential enemy, even at the price of abetting fascism in its policy of aggression. Parenthetically, it may be observed that the ferocious attacks by the Nazis around Leningrad, Moscow, and Stalingrad have demonstrated Russia's formidable resistance, and have contributed immeasurably to national cohesion, discipline, and collective morale within the Soviet Union. Russian patriotism and Russian nationalism were the moving cores in Russia's reconquest of its territory.

³⁶ *Vedomosti Verkhovnogo Soveta SSSR* (Organ of the Supreme Council of the U.S.S.R.), No. 32 (Sept. 23, 1939), pp. 1-2.

(6) On his return trip from Russia and his visit from Joseph V. Stalin in the Kremlin, Prime Minister Churchill did not minimize the barrier that still stood in the way of better coöperation between the British and Soviet governments. The meeting between these two leaders took place, it will be remembered, at the time when the savage battle between the Axis and the United Nations was *in medias res*. The Prime Minister reported that

"The Russians did not think that we or America had done enough to take the weight off them, and this is not at all surprising in view of the terrific onslaughts which they have withstood with marvelous tenacity.

"It was difficult to make the Russians comprehend the difficulties of ocean transport, as Russia is essentially a continent while we are an island. It was difficult to explain fully the different characteristics of the war effort of the various countries, but I am sure we made their leaders feel confidence in our loyal and sincere resolve to come to their aid as quickly as possible, without regard to sacrifices and losses involved so long as the contribution is toward victory."³⁷

The implication is thus quite clear. While Stalin and Churchill left each other with an understanding, there were vital points of disagreement between them which have not yet been clarified, the Anglo-Soviet Agreement of May 26, 1942, notwithstanding. The fact that neither Stalin nor the other members of the *Politbureau* ever had contacts with the outside world, especially with the Western democracies, made confusion and misunderstanding the more confounded. This situation became all the more obvious when President Roosevelt's three personal envoys, Harry L. Hopkins, W. Averell Harriman, and Wendell L. Willkie, failed to effect the coveted *rapprochement* between contemporary Soviet and British leaders.

(7) As generally observed, the Soviets argue that their treaties of neutrality and non-aggression are different from those effected by other great powers, being designed specifically against aggressive wars. They also argue that this was the primary motive for their championing the Pact of Paris. The Soviets further contend that their treaties of non-aggression make no distinction between war and intervention, but apply to any form of action by arms. Their outstanding spokesman has expounded this thesis on several occasions when he stated that "a particular characteristic of neutrality, in the contemporary imperialist system, is the fact that neu-

³⁷ Statement made by Winston Churchill in the House of Commons, Sept. 8, 1942; dispatched by Reuter and published in *New York Times*, Sept. 9, 1942, p. 4.

trality is subjected to the ends pursued by the aggressor. As a rule, a treaty of neutrality is only one of the elements in preparing for war, one of the elements in making an aggression harmless."³⁸

The treaties with Italy, France, Finland, and Poland signed in 1932 and 1933 all carried the "escape clause." If one party attacked a third country, the other could denounce the treaty without notice. In fact, the Soviet government threatened to do this in case Poland attempted to invade Czechoslovakia in September, 1938; and it held that its participation in sanctions against Italy in the Abyssinian war was not in contravention of its non-aggression treaty with Italy.

In a speech delivered April 4, 1934, on the occasion of the signing of the protocols for the promulgation of the pacts of non-aggression between the U.S.S.R. and the Baltic countries, Litvinov emphasized that "it should be clear to the whole world that our proposal is not of a temporary nature and is not inspired by a casual conjunction of circumstances, but is an expression of our constant and permanent policy of peace, an essential element of which is the provision for the independence of the young states you represent."³⁹

One of the last published addresses delivered by Litvinov was that of September 21, 1938, at the Seventh Plenary Meeting of the Nineteenth Ordinary Session of the Assembly of the League of Nations. In this speech, the then People's Commissar of Foreign Affairs outlined the attitude of the Soviet Union on the acts of aggression in Europe. He contended that its position was based on the general and unalterable principles of its foreign policy. He reiterated that the Soviet government had always striven to strengthen its relations with other countries by the conclusion of pacts of non-aggression and of neutrality treaties for the settlement of conflicts by conciliation. Referring to the treaty of mutual assistance between the U.S.S.R. and Czechoslovakia, Litvinov made a very clear and unambiguous statement:

"We intend to fulfill our obligations under the pact and, together with France, to afford assistance to Czechoslovakia by the ways open to us. Our War Department is ready immediately to participate in a conference with representatives of the French and Czechoslovakian War Departments, in order to discuss the measure appropriate to the moment."⁴⁰

³⁸ Maxim M. Litvinov, *Vneshniaya Politika SSSR; Rechii Zaiavlenii* ("Foreign Policy of the U.S.S.R.; Speeches and Statements"), 1927-1935 (Moscow, 1935), p. 136.

³⁹ Maxim Litvinov, *Against Aggression* (New York, 1939), p. 16.

⁴⁰ *Op. cit.*, p. 129.

Litvinov's plea went unheeded. Instead, the British and French governments ignored the Soviet government and effected the ill-fated Munich Pact on September 29, 1938.

In the light of such official assertions and pledges, it is difficult to reconcile the Soviet's treaty obligations with subsequent events.⁴¹ Suffice it to mention the Treaty of Non-Aggression with Poland, signed in Moscow on July 25, 1932, and the Treaty of Friendship and Boundaries between the Third Reich and the U.S.S.R. as a result of which Poland ceased to exist.⁴²

(8) Five months before the Nazi-Soviet Pact became effective, Communist propaganda launched a campaign for a Russian-German rapprochement on the ground that there was no real reason for war between these two countries. Again the signal was given by Stalin himself, when he called attention to the lack of any real reason for war between Germany and the Soviets and accused enemies of the Communist régime of provoking a war between Nazi Germany and Soviet Russia. Contending that in practice non-intervention had never been regarded as a principle of international law, Stalin made the pronouncement that

"One of the principles upon which the foreign policy rested was the proletarian support of nations who have fallen victims of aggression and are fighting for their independence.

"Politics is politics, as the old case-hardened bourgeois diplomats say. It must be remarked, however, that the big and dangerous political game started by the supporters of the policy of non-intervention may end in a serious fiasco for them.

"The aim of the Communist party itself must be the promotion of peace and extreme vigilance that the Soviet Union be not drawn into armed conflicts by instigators of war who are accustomed to have some one else pull their chestnuts out of the fire."⁴³

Five days later, on March 15, 1939, German troops marched into

⁴¹ For a documented résumé of events preceding the fateful Munich Pact, see Frederick L. Schuman, *Europe on the Eve; The Crises of Diplomacy, 1933-1939* (New York, 1940).

⁴² For a list of bilateral treaties, agreements, pacts, and protocols regarding peace, establishment of relations, and other political questions, to which the U.S.S.R. is a signatory, see T. A. Taracouzio, *War and Peace in Soviet Diplomacy*, Appendix, pp. 315 ff. A more comprehensive résumé of those treaties is contained in *Sbornik Deistvuiushchikh Dogovorov* ("A Collection of Treaties, Agreements, and Conventions in Force with Foreign States"), No. 249, Vol. VII (1933).

⁴³ Joseph V. Stalin, Speech at the 18th Congress of the All-Union Communist Party, Mar. 10, 1939, in *Izvestiya*, Mar. 11, 1939, No. 57.

Prague. As is known, the Soviet government's reaction was to do nothing.

The Second World War formally began on September 1, 1939. Eight months later, when it became clear beyond any doubt that the French army was defeated, Fascist Italy joined the Axis Powers on June 10, 1940. The Axis Powers and Japan pledged themselves to respect and support each others' efforts "to establish and maintain a new order of things" in Europe and Greater East Asia. The tripartite alliance⁴⁴ concluded by Germany, Italy, and Japan on September 27, 1940, evoked official Soviet reaction to the effect that it had been prompted by an extension of military collaboration between England and the United States and presaged an expansion of the war. Furthermore, the Berlin pact did not represent anything particularly unexpected for the Soviet Union, which had been informed of its terms in advance by the German government.⁴⁵ Soviet Russia was still pledged to a policy of peace and neutrality; and this policy was recognized by the Axis Powers and Japan, which had stated in Article V of their alliance that their relations with the Soviet Union remained unchanged.

In the light of the foregoing, one is prone to doubt that Soviet diplomacy was primarily a reflection of an inner degeneration of Soviet society.⁴⁶ Rather it is submitted that Stalin and his associates at the Kremlin have been the master players of *Realpolitik*, with a flexibility and ruthlessness typical of totalitarian dictatorships. Also, the supremacy of politics over economics was both a teleological concept and a logical sequence of events in which the Soviet régime participated in a full measure. Hence, leaders of the *Narkomindel* (Soviet Foreign Office) felt free to practice such opportunism in foreign policy as expediency might dictate.

(9) Former Ambassador Davies has been both lauded and derided for his naïve report of the three political "trials" and the subsequent "purges" of the Founding Fathers of the Bolshevik Revolution. Execution of dissident leading Army generals had its corresponding damaging effect on the striking power and morale of the Red Army. But Mr. Davies chose to overlook the political implications of these trials and the consequent repercussions on foreign policy. He shares the official Soviet view that the "liquida-

⁴⁴ *New York Times*, Sept. 28, 1940.

⁴⁵ *Pravda*, Sept. 30, 1940.

⁴⁶ Louis Fisher, "Stalin and Hitler," *The Nation* (New York, 1940).

tions" were primarily a means to weed out fifth columnists from the Soviet Union.

In reply thereto, we have the testimony of a distinguished American scholar:

"I do not know whether or not there were fifth columnists in Russia. I do not know whether there were fifth columnists among the accused in the Moscow trials. But I do know, after careful study of the trial records, that it is impossible to seize any credible evidence of fifth-column activity out of all the contradictions, confusion, and patent lying on the part of the accused, the self-inculpating witnesses, and the prosecutor. I can say this without taking into account such egregious and promptly exposed lies as the famous testimony about the non-existent "Hotel Bristol," or that about Pyatakof's alleged secret midwinter flight to Oslo. I know also that any disinterested person who will take the trouble really to study the records—which are available in official English translations published by the Soviet Government—must inevitably reach the same conclusion."⁴⁷

In fairness to Mr. Davies, it should be stated that he did make a significant observation, viz., "The Stalin régime, politically and internally, is probably stronger than heretofore. All potential opposition has been killed off."⁴⁸

There had taken place in Russia equally harsh and brutal purges, trials, and intrigues prior to the Nazis' coming into complete power in Germany. It would therefore be a deliberate misreading of events to minimize the desire to "liquidate" the remaining adherents of Leon Trotsky and other potential rivals in the Party leadership. Another plausible explanation of the trials is furnished by the international situation. The late Leon Trotsky's suggestion is of singular pertinence:

"Many symptoms indicate that Stalin has to fight a certain part of the bureaucracy which will assure its position at any price, even at the price of an alliance of friendship with Hitler. Stalin is, I suppose, not inclined now to go along in this way, but will expose this tendency by the spectre of Trotskyism."⁴⁹

Fear of war has always been a paramount factor in the Soviets'

⁴⁷ John Dewey, in *New York Times*, Jan. 11, 1942. Professor Dewey was chairman of the International Commission of Inquiry into the Moscow Trials of 1937-38.

⁴⁸ Joseph E. Davies, *Mission to Moscow* (New York, 1940), p. 202.

⁴⁹ Preliminary Commission of Inquiry, *The Case of Leon Trotsky* (London, 1937), p. 383.

foreign policy. Hence Russia had to be prepared for war. Obviously, a nationalist Russia could be better directed toward that end than an internationalist Soviet Union. It followed, therefore, that the outstanding leaders of the Bolshevik Revolution who still clung to their revolutionary ideas had to be removed. As a prelude, these leaders had to be shown up as traitors to the Socialist Fatherland before their liquidation would be accepted by the rank and file of the Party and by the mass of the Russian people.

The deleterious effects of the "purges" both at home and abroad caused Stalin to admit that the "trials" and subsequent "mass purges" were carried out with indiscriminate ruthlessness. "It cannot be said that the purge was conducted without serious mistakes. Undoubtedly we have no more need for the method of mass purging."⁵⁰ Naturally, the Nazi-Soviet Pact of August 23, 1939, and the German assault on Russia of June 22, 1941, temporarily obviated the necessity of further "purges." For all dissident elements have been mobilized in the "Patriotic War," in the defense of the "Soviet Fatherland" and "Russian Motherland."

(10) The *Comintern* (Third or Communist International) was founded in Moscow in March, 1919, by a small group of international revolutionists who envisaged it as the successor to the First International Workingmen's Association founded by Karl Marx and dissolved in 1878. The Second International of Social Democrats was dissolved in 1914 into warring national sections. At the conclusion of the First Congress, the *Comintern* issued a manifesto on March 10, 1919, addressed to the proletariat of all countries. Their platform outlined assaults against capitalism and capitalist governments, and against socialists who believed in political democracy. The *Comintern* demanded that all Western revolutionists accept the Bolshevik organizational system and the disciplinary leadership of the Russian Bolshevik party. World revolution was its *Weltanschauung*. It sought to promote class war everywhere outside of Russia. An American observer at the First Congress says: "I do not think the Russianness of the idea, or even the control from Moscow, was the essence of the trouble. The essence was that people who believed in democracy, and wanted to make it more perfect, undertook to do so by destroying what democracy

⁵⁰ Stalin, *op. cit.*, *Pravda*, Mar. 11, 1939. Excerpts from this speech were also published in the *New York Times*, Mar. 12, 1939.

there was and denying every democratic instinct in themselves."⁵¹ The avowed revolutionary conspiracy to conquer the world was a source of perpetual frustration to its founders and followers.

Just before he died, Lenin himself was aware of the fatuous impracticality of this state of affairs. On numerous occasions, he expressed apprehension concerning the lack of cosmopolitanism within the leadership of the *Comintern*. In his last speech before the organization, he warned: "The trouble with this organization is that it is too Russian. For one thing, its reports and manifestoes are so long that nobody but a Russian would read them."⁵²

The Soviets and Nazis were fighting each other with propaganda in all parts of the world, each using the other as a bogey with which to win over or consolidate public opinion. At the same time, the Red Army and the *Wehrmacht* maintained friendly relations established in 1924. In fact, until August, 1939, many segments of the Red Army were manned by German militarists.

As far as the record indicates, the Soviet régime has not disavowed its interest in international proletarian revolutions.⁵³ From September, 1938, to May, 1943, none of the Soviet leaders has made any reference to the *Comintern* or to collective security. In fact, *Pravda* still hauls up the Marxian banner: "Workers of the World, Unite." This phenomenon contributed little toward an effective Anglo-Soviet-American conciliation. However, the dissolution of the *Comintern*⁵⁴ on May 15, 1943, if carried out in good faith, should remove many of the suspicions that have disturbed the unity of the United Nations.

(11) The Spanish civil strife sharpened the cleavage between the Soviet government and British-French governments and precipitated the ill-fated Munich Pact. As is known, the Soviet leaders were excluded from the negotiations and from the conference at Munich in September, 1938. The Non-Intervention Com-

⁵¹ Max Eastman, *Stalin's Russia and the Crisis in Socialism* (New York, 1940), p. 118. ⁵² *Ibid.*, p. 99.

⁵³ I. S. Yuzefovich, *Osnovanie Kommunisticheskoye Internationala* ("Founding of the Third International") (Moscow, 1941); *Kommunisticheskii Internatsional* (Communist International), *7 Vsemirnyi Kongress; Itogi* ("7th World Congress; Results"), edited by Dmitri Z. Manuilaky (Moscow, 1935).

⁵⁴ The resolution of the Presidium of the Executive Committee of the (Third) Communist International (*Comintern*) proposing self-dissolution was adopted on May 15, 1943. The full text of the statement was published in *Pravda* on May 22, 1943, and released to the world on the following day.

mittee was brought into being on September 9, 1936, in London in an effort to coördinate the efforts of the Powers concerned to stop foreign intervention and to facilitate international accord concerning the Spanish civil strife. The Soviet Union was represented on this Committee.⁵⁵ Soon thereafter, as a result of the bombing of British, German, and Italian naval patrol vessels anchored in Spanish waters, the four European Powers (Britain, France, Italy, and Germany) signed two agreements on June 12, 1937, with a view to safeguarding their warships and to consulting jointly in the event of further attacks.⁵⁶ Among other things, this agreement provided that the Powers which patrolled the waters off Spain should request from both the rebels and the loyalists guarantees of safety for their naval patrol vessels.

The Soviet government protested against this Four Power Agreement, maintaining that all questions connected with the "Patrol Scheme" should be handled by the Non-Intervention Committee. It also opposed the addressing of any note by the Committee to the insurgents for humanizing the war.⁵⁷ The whole episode of the Non-Intervention Committee was characterized by no less a personage than David Lloyd George as "the greatest and basest fraud and deception ever perpetrated by great nations upon a weak people."⁵⁸ This, however, is quite contrary to the conclusion drawn by an American scholar, who states: "It is significant that the European states were able at such a time as the present to develop an international machinery and organization for the observance and enforcement of such an accord by their subjects."⁵⁹

In this connection, it should be pointed out that in its declaration of August 23, 1936, adhering to the Agreement Regarding Non-Intervention in Spain, the Soviet government made it very clear that it would put this declaration into effect as soon as the Italian, German, and Portuguese governments shall likewise have adhered to the declaration.⁶⁰

The Soviet leaders had no illusions about the entire conflict; nor were they unaware of the attitude of the United States government, particularly the friendly overtures which the Department of State

⁵⁵ *L'Europe Nouvelle*, Mar. 13, 1937, Supp. p. vi.

⁵⁶ *London Times*, June 13, 1937.

⁵⁷ *Le Temps*, June 12, 1937, and *The Times* (London), June 19, 1937.

⁵⁸ Norman J. Padelford, *International Law and Diplomacy in the Spanish Civil Strife* (New York, 1939), p. 119.

⁵⁹ *Ibid.*, pp. 201-202. ⁶⁰ Padelford, *op. cit.*, p. 229.

had made to Franco. As usual, the Soviets made their position quite clear:

"The proletarian struggle in Spain brought about the admiration of millions of workers and revengeful hatred in the capitalist world. . . . By this example the Spanish people invited all other people to struggle against the fascist instigators of war and incited the solidification of forces for peace and freedom in all capitalist countries. Around Republican Spain was created a sentiment of wide mass solidarity. . . . It takes various forms, ranging from collections of money to mass meetings and demonstrations, and from the formation of committees of Spanish defense to political walk-outs and the formation of volunteer units."⁶¹

The bitter controversy that ensued evoked accusations and counter-accusations on the part of the British, French, Italian, and Soviet governments. The United States was by no means neutral. Finally, the Non-Intervention Committee weighed evidence presented to it concerning violations and charges of violations of the Accord. At its meeting on November 12, 1936, the Committee decided that the charges brought by the Italian representatives against the intervention by the Soviets were not supported by the evidence produced. Hence the Soviet government could not be held responsible for any violation of the Agreement.⁶²

(12) Soviet writers are equally vociferous in their attitude toward the present government of China. They have continually reiterated charges that the Japanese are using "appeasers" who hold high posts in Chungking in an effort to split the Kuomintang (the Government party) and the Communist party. Both through diplomatic channels and in official publications, the Soviets have warned Generalissimo Chiang Kai-shek that China faces serious difficulties, civil war, and possibly military defeat unless he eliminates the elements—the appeasers—who are undermining China's war effort. Moreover, "these gentlemen for a long time past have been pressing the Chinese government to liquidate the Eighth and Fourth Armies (the former Chinese Communist Army), which comprise the most advanced, firmest, and most self-sacrificing people of China."⁶³

⁶¹ Dmitri Z. Manuilsky, in *Mirovye Khoziaistvo i Mirovaya Politika* ("World Economics and World Politics"), No. 4 (1939), p. 57.

⁶² *New York Times*, Nov. 13, 1936.

⁶³ Vladimir Rogov, "Polozheniye v Kitaye" ("The Situation in China"), in *Vojna i Rabocij Klass* ("War and the Working Class"), No. 5 (Aug. 1, 1943), pp. 17-23. This semi-monthly journal began to be published in June, 1943, and has since come into prominence as a mouthpiece of Soviet foreign policy.

(13) None of the weaknesses still existing in 1939 in the economic system of the Soviet Union could have been remedied by annexations and exploitations of other peoples. Hence it is doubtful whether the Soviet-Nazi Pact, with its concomitant annexation of Eastern Poland, was an expression of imperialistic ambition. It is even submitted that the annexation of Bessarabia and Northern Bukovina and the unprovoked attack on Finland were not necessarily imperialistic; and this observation is borne out by the fact that the economic values of the invaded territories were meager. Then, too, the Soviet leaders would have liked to avoid the bitter resentment that these annexations aroused the world over. At that juncture of world power politics, the Soviets could ill afford to arouse the enmity of the United States and other governments. The Soviet régime was also fully aware of the consequent growing discontent among its people. And, since war could not be averted by the Munich Pact, they sought to divert the imminent onslaughts of the mechanized German forces and the striking Japanese naval power to territories and possessions of the British and French empires.

Moreover, try as they would to adhere to generally accepted principles of international law, strategic geographic factors had to be given primary consideration in Russia's estimates of international relations, violations of previous agreements, protocols, conventions, pacts, and treaties notwithstanding. It is also common knowledge now that the vociferous cry for *lebensraum* has too often been the disguise for other sinister intentions. The Soviet régime, being aware of this, acted accordingly. Hence it is now abundantly clear that the motivating force of recent Soviet moves was strategical necessities from the point of view of Red Army, Navy, and Air Force staffs.

IV. CONCLUSIONS AND OBSERVATIONS

Our analysis may be summarized as follows:

(1) Soviet concepts of civil law have not been subjected to extreme fundamental revisions. Soviet jurists speak of law as a socialist law which has always been an instrument of socialist reconstruction of society. Every problem of Soviet civil law has been treated from the point of view of the interest of the ruling class, from the point of view of the policy of the Communist party, which, in turn, dominates the government. Dictatorship of the

proletariat has always been and still is the supreme law which determines the concrete contents of all Soviet laws.

The theory concerning the withering away of the state, as originally formulated by Karl Marx, promulgated by Friedrich Engels, and later expounded by Nikolai Lenin, found a new expression in Soviet *Realpolitik*. The *Politbureau* contends that the state must be maintained, including the Red Army, Navy, and political police.

Moved by constantly changing political expediencies, Soviet concepts of international law have shifted accordingly. These shifting concepts have reflected the economic, social, political, and revolutionary exigencies of Soviet foreign policy during given periods. Thus, during the period 1933-38, when Litvinov expounded his thesis of "collective security" and "durable peace," the Soviet government deemed it advantageous to conform to generally postulated principles of international law. Later, during the period 1939-40, when the government was making moves in utter disregard of existing treaties and in flagrant violation of international law, Soviet theorists were summoned to justify those actions on legal grounds and to reconcile obvious contradictions.

(2) The terrific tempo in building the "Socialist Fatherland" during the past fifteen years has been but an integral part and a continuation of the Soviet government's total scheme of things. One of the basic trends in Russia's foreign policy during the past fifty years—under the Tsars as well as under the Soviets—has been the prodigious effort to avoid a war on two fronts—with Germany in the west and with Japan in the east. Moreover, problems affecting the foreign policy of the U.S.S.R. have been further complicated by the fact that its economic importance, both as an undeveloped market for manufactured goods and as a source of foodstuffs and raw materials, has been a constant temptation for advanced industrial countries which hoped to find in Russia, especially the Ukraine and the Caucasus, the *Lebensraum* formerly open in Africa, Asia, and the Americas.

(3) Although Russian intellectuals and dissident Army generals were purged, the Soviet régime has not yet been fully able to consolidate and integrate the vast territories that are already under its control. Furthermore, its class structure and its economy did not require foreign conquests as a prerequisite of domestic stability. This accounts also for the fact that the functions of the *Gosplan* are closely interwoven with the *Politbureau*, which determines its

policies. This interlocking control of the entire national economy has given the government its extraordinary power and its exceptional stability; and it paved the way for Russia's powerful military machine and its formidable resistance.

(4) The Spanish civil strife and the fiasco of the Non-Intervention Accord widened the gap between the Western Powers and the U.S.S.R. Similarly, the ill-fated Munich Pact and its counterpart, the Nazi-Soviet Agreement, cancelled each other out in terms of violations of existing treaty agreements and utter disregard of generally accepted principles of international law.

(5) A series of extenuating circumstances resulted in deeply embedded anxieties which still prevail in the Kremlin and in Downing Street. There have also been profound psychological factors, as well as economic and military factors, in the political situation. It is submitted that the psychological factors have been among the significant imponderables that shaped the course of recent history. Accordingly, shifts in Soviet foreign policy and concurrent international relations have been determined by internal problems (industrialization, socialization, deification of Stalin,⁶⁴ periodic purges, etc.); by shifting pressures in the constellation of hostile foreign Powers; by the persecution complex of the Soviet régime; and by the ebb and flow of the revolutionary tide throughout the world.

(6) Ernest Renan's keen observation that a common enemy unites men more than a common joy is of particular significance in the present political scheme of things. To be sure, there are certain organic defects in the coveted strong Anglo-Soviet-American coalition: military, psychological, and political. These divergencies could become, as they have been in the past, serious limitations, capable of weakening and disintegrating the coalition. One argument frequently advanced is that the coalition consists of heterogeneous elements with different ideologies, and that this will prevent their really organizing joint action against the common enemy. Undoubtedly these subterranean psychological factors account, in large measure, for the lack of a genuine supreme Allied war council, for the absence to date of a global military strategy, and for the disintegrated global political war.

The Soviet leaders are cognizant of this situation. Yet they con-

⁶⁴ Charles Prince, "A Psychological Study of Stalin," *Journal of Social Psychology*, Vol. 22 (1945).

tend that the barriers are surmountable, provided sincere efforts are made by the respective leaders of the governments comprising the coalition to achieve the desired aims, namely, the destruction of the Hitlerite state. The official Soviet point of view has again been formulated on the eve of the formal opening of the second front:

"It would be ridiculous to deny the difference in ideologies and social systems of the countries composing the Anglo-Soviet-American coalition. But does this preclude the possibility and expediency of joint action on the part of members of this coalition against the common enemy who holds out the threat of enslavement for them? It certainly does not. . . . We have facts and events pointing to a progressive rapprochement between the members of the Anglo-Soviet-American coalition and their uniting into a single fighting alliance against the Italo-German coalition."⁶⁵

Here is Russia's bid for a common understanding, mutual trust, broad collaboration, and, above all, for an effective and lasting Anglo-Soviet-American coalition. The official Soviet point of view bearing on post-war problems has recently been expounded in no uncertain terms. The contention is that the Soviet Union occupies one-sixth of the world's territory and has proved itself the most powerful continental nation; hence it should have one of the most decisive voices in post-war reconstruction. The Soviet Union has withstood the brunt of Hitler's hordes and consequently suffered more than any other of the United Nations.⁶⁶ This trend of thought appears in print over the signatures of the leading Soviet spokesmen. It is therefore reasonable to assume that the Soviet Union will need a firm peace in order to restore its wrecked economy.

(7) Responsible British spokesmen have recently voiced semi-official opinion that security in Western Europe depends upon security in Eastern Europe, which only Russia can guarantee; hence European peace will depend upon the "continuous vigilance" of Britain and Russia in collaboration. This was the basic principle of the Anglo-Soviet Agreement of May 26, 1942, pledging coöperation for twenty years.⁶⁷ Similarly, on the basis of numerous declarations

⁶⁵ From Joseph V. Stalin's speech to the Moscow Soviet on the twenty-fifth anniversary of the October Revolution in Russia, Nov. 6, 1942. Associated Press dispatch in *New York Times*, Nov. 7, 1942.

⁶⁶ Nikolai Malinin, *O C'eliakh Vojne* ("Concerning Aims of War"), *Vojnari Rabocij Klass* ("War and the Working Class"), No. 3 (July 1, 1943), pp. 11-15.

⁶⁷ See editorial in *The Times* (London), Mar. 10, 1943.

from the Kremlin and relevant theses analyzed in Soviet journals during the past three years, it is reasonable to assume that Soviet Russia will not be interested in a Bolshevization of Europe after the present conflict, preferring political stability to social revolution in the region west of her historical frontiers.

However, it is unlikely that the Soviet government will be willing to effect a firm alliance with the Western Powers affecting the European scene to the exclusion of the Pacific area, especially the Far East. For, relationships between the Kuomintang under the leadership of Chiang Kai-shek and the Chinese Communists have been, and still are, very precarious. But the present governments of both Russia and China are resolved to defeat their formidable common enemy, i.e., Japan, the Russo-Japanese Neutrality Pact of April 13, 1941, notwithstanding. Therein lies the hope of an effective alliance of the United Nations.

It is, therefore, submitted that a genuine understanding between Soviet Russia, the United States, China, and Great Britain is indispensable for the future peace of the world. But such an understanding will remain less than effective as long as the deeply embedded prejudices and suspicions continue in Moscow, London, Chungking, and Washington. Moreover, an effective understanding and subsequent coalition are both feasible and probable, provided the respective foreign-policy-makers transcend all other predilections and approach the problems and dangers facing the world from the point of view of an international spirit of coöperation, and make a gradual, universal application of the doctrines of economic security, social justice, and political liberty.

AMERICAN GOVERNMENT AND POLITICS

WOMEN AND NATIONAL PARTY ORGANIZATION

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For the first time in American history, the majority of the voters in the presidential election of 1944 will be women. That party managers have realized this fact has been evidenced by their special appeals to the feminine vote in campaign literature, public statements, and management techniques. Furthermore, in a growing number of cases, women have been entrusted with responsible functions in party organization which up to now have been reserved for men. To cite but one example in national party structure, there is the appointment for the first time of a woman to serve as secretary of the Democratic national committee.

The unusual political responsibilities and opportunities which war conditions have made available to women bring up the question of the progress they have been able to achieve in national party organization during the years since the adoption of the suffrage amendment in 1920. In 1933, an analysis of the formal status of women in the national party organizations was made by Miss Sophonisba Breckinridge, and included in her volume, *Women in the Twentieth Century*,¹ published as one of a series of monographs on "Recent Social Trends in the United States," under the direction of President Hoover's Research Committee on Social Trends. As a formal measure of women's status in national party organization, Miss Breckinridge examined their participation in the national conventions and their position on the national committees of both parties from 1892, when they were first represented in a convention, through 1932.

The present study carries Miss Breckinridge's investigation through the 1936, 1940, and 1944 nominating conventions. The data used in both studies were obtained from the official convention records and from replies of national committeewomen to questionnaires.

Although they made their first appearance at the Republican convention in 1892, when three were seated as alternates, Miss Breckinridge found that few women attended national conventions until 1920, shortly before the ratification of the suffrage amendment. In 1900, women were represented by one official delegate in each of the two major party conventions; in 1908 and 1912, by two; and in 1916 the number rose to five in the Republican and eleven in the Democratic convention.²

With suffrage for women practically assured, the Democratic conven-

¹ Sophonisba P. Breckinridge, *Women in the Twentieth Century* (New York 1933).

² *Ibid.*, pp. 275-278.

TABLE I
WOMEN DELEGATES AND ALTERNATES IN REPUBLICAN AND
DEMOCRATIC NATIONAL CONVENTIONS
1892-1944

<i>Convention</i>	<i>Republicans</i>		<i>Democrats</i>	
	<i>Delegates</i>	<i>Alternates</i>	<i>Delegates</i>	<i>Alternates</i>
1892	0	3	0	0
1896	0	0	0	0
1900	1	0	1	0
1904	0	4	0	0
1908	2	0	2	3
1912	2	0	2	1
1916	5	9	11	11
1920	27	129	93	206
1924	120	277	199	310
1928	70	264	152	263
1932	87	307	208	270
1936	61	222	252	333
1940	78	231	208	347
1944	99	264	174	332

TABLE II
WOMEN ON MAJOR NATIONAL CONVENTION COMMITTEES

<i>Committees</i>	<i>Convention</i>											
	<i>1924</i>		<i>1928</i>		<i>1932</i>		<i>1936</i>		<i>1940</i>		<i>1944</i>	
	<i>R.</i>	<i>D.</i>	<i>R.</i>	<i>D.</i>	<i>R.</i>	<i>D.</i>	<i>R.</i>	<i>D.</i>	<i>R.</i>	<i>D.</i>	<i>R.</i>	<i>D.</i>
Permanent Organization	14	7	1	6	9	3	5	9	7	0	4	5
Credentials	2	12	2	3	5	2	2	3	0	8	3	5
Rules and Order of Business	9	1	5	3	2	2	4	4	4	0	6	6
Platform and Resolutions	0	0	0	0	1	1	1	1	0	1	30	42
Totals	25	20	8	12	17	8	12	17	11	9	43	58

tion of 1920 seated 93 women as delegates and 206 as alternates. In addition, women were given generous representation on committees. Feminine participation was further increased in the Democratic convention of 1924, which included 199 women delegates and 310 alternates. Further evidence of the increasing rôle assigned to women was found in the fact that three

of the four major convention committees, i.e., Permanent Organization, Credentials, and Rules and Order of Business, included 20 women as members. These three committees, plus the Committee on Platform and Resolutions, play a major part in convention activities, and the number of women included in their membership is a significant indication of the status accorded to women delegates.

In 1928, however, feminine participation in the Democratic convention declined. There were 152 women delegates and 263 alternates, and only 12 served as committee members. In 1932, the final year of Miss Breckinridge's study, the number of women delegates increased over 1928, but their participation did not equal the high point of 1924. There were 208 delegates and 270 alternates in the 1932 Democratic convention, but only eight women served on the four major committees.³

In continuing Miss Breckinridge's study into later years, it was found that the peak representation for Democratic women occurred in 1936, when 252, or 14 per cent of the delegates to the convention, were women, while 333 served as alternates. A total of 17 women were members of the four major committees of the convention, nine on the Committee on Permanent Organization, three on Credentials, four on Rules and Order of Business, and one on Platform and Resolutions. In addition, women were named to the following honorary positions: committee for notification of presidential nominee, 13; committee for notification of vice-presidential nominee, 19; honorary vice-presidents, five; honorary secretaries, 20; assistant secretaries, 16; assistant parliamentarian, one; and assistant tally clerk, one. Participation of women in convention proceedings included 13 seconds to nominations made by men, and the offering of six resolutions—five of courtesy, extending thanks and appreciation to various people concerned with the convention, and one on routine organization.

A down curve began in 1940, when 208 delegates and 347 alternates at the Democratic convention were women, the women delegates representing 12 per cent of the official convention membership. Only nine of the delegates were placed on the major convention committees—eight on Credentials and one on Platform and Resolutions. This was less than half the committee representation of women in 1924. In the less important positions, eight women served on the presidential notification committee, ten on the vice-presidential; thirty-nine served as assistant secretaries, and one as assistant tally clerk. The 1940 Democratic platform included, however, the following plank: "We will continue our efforts to achieve equality of opportunity for men and women without impairing the social legislation which promotes true equality by safeguarding the health and safety, and economic welfare, of women workers. The right to work for

³ *Ibid.*, pp. 277-278.

compensation in both public and private employment is an inalienable privilege of women as well as men, without distinction as to marital status."

The 1944 Democratic convention, which might have been expected to show an increased percentage of women delegates, instead revealed a continuing downward trend. There were 174 women delegates and 332 alternates, the number of delegates being smaller than at any convention since 1928. In the organization and conduct of the convention, however, women were accorded more recognition than at any previous time. There were more women on the four major committees: 42 on Platform and Resolutions (half the membership of the committee); six on Rules and Order of Business; five on Credentials; and five on Permanent Organization. For the first time in the history of the Democratic party, or of any major party, women were selected as co-chairmen of all the major convention committees. Another important gain was the fact that women served for the first time as major officers of a national convention, one as permanent assistant chairman, and one as permanent secretary. For the first time, also, two women delivered major addresses on matters of party policy at evening sessions of the convention.

The history of women in the Republican national convention parallels to some extent the Democratic record, if we bear in mind the larger size of the Democratic conventions. In 1920, the Republicans seated 27 women delegates and 129 alternates; in 1924, 120 delegates and 277 alternates. In the 1924 convention, 25 women served on three of the four major committees: Permanent Organization, Credentials, and Rules and Order of Business. In 1928, only 70 women delegates and 264 alternates attended the convention, with eight serving on committees. In 1932, the curve turned upward, with 87 delegates and 307 alternates. Seventeen were included in the four major convention committees.⁴

Continuing Miss Breckinridge's study to 1936, the trend again turned downward, reaching the lowest point since women gained the vote, with only 61 women delegates (six per cent of the convention) and 222 alternates. Of the delegates, five served on the Committee on Permanent Organization, two on Credentials, four on Rules and Order of Business, and one on Platform and Resolutions. In honorary positions, six women were on the presidential notification committee, twelve on the vice-presidential; there were seven women honorary vice-presidents, and one tally clerk. Three women seconded nominations and two offered resolutions, one on committee organization, the other to dispense with the reading of committee names.

The Republican convention of 1940 seated 78 women delegates (eight per cent of the convention) and 231 alternates. This represents a slight rise over 1936, but does not regain the status of 1932, and is a long way

⁴ *Ibid.*, pp. 276-287.

from the high point of 1924. Eleven women served on major committees—seven on Permanent Organization and four on Rules and Order of Business. This is less than fifty per cent of the committee participation of women in 1924. Among the less important committee assignments, one woman was a member of the presidential notification committee, two of the vice-presidential. Eight served as honorary vice-presidents; one as tally clerk; two as assistant secretaries; and one as assistant reporter. One nominating speech, five seconding speeches, and five resolutions (two on committee organization and three of courtesy) were made by women. Thus the following statement, made by Miss Breckinridge in 1933, seems to apply as well to later years: "There is no protest from the men when the women softly or vehemently offer resolutions, and second nominations with deferential grace. The decorative aspects of women delegates are appreciated. If, however, the appointment of women to positions of potential responsibility is a guide, they have not gained in influence during the brief time during which it is possible to compare their opportunities."⁶

The number of women delegates at the 1944 Republican convention was the largest at any convention since 1924. However, the 99 delegates and 264 alternates did not equal the peak reached in that earlier year. As was true of the Democratic party, women were granted greater recognition on the four major committees than at any previous convention, with 30 on Platform and Resolutions, six on Rules and Order of Business, four on Permanent Organization, and three on Credentials. For the first time in the history of the party, women were given equal representation with men on the important Committee on Platform and Resolutions. It was also the first time that a woman delivered one of the major addresses at the convention.

In both the Republican and Democratic conventions since 1920, women have appeared in larger numbers as alternates than as delegates. In answer to a questionnaire sent by the authors, a Republican national committeewoman points out that "women are generally afraid to file as delegates. When we approach them on the subject, they reply that men don't want women delegates. So—the women file as alternates." Women cannot play an important part in the national conventions, however, unless they are seated as delegates, and they cannot become delegates unless they are willing to compete with men for the positions.

Reflecting the importance accorded the women's vote in the presidential election of 1944, both parties incorporated in their platforms a plank favoring a constitutional amendment providing for equal rights. In both platforms the support of the equal rights amendment is coupled with the principle of equal pay for equal work. The Democratic plank reads

⁶ *Ibid.*, p. 290.

as follows: "We favor Federal legislation assuring equal pay for equal work regardless of sex. We recommend to Congress the submission of a Congressional Amendment for equal rights for women."

Turning from the presidential nominating conventions to the Democratic and Republican national committees, we find that women were granted equality in formal representation soon after the suffrage amendment was adopted—in 1920 in the case of the Democrats, and in 1924 in that of the Republicans. Thus in these bodies women have equal representation, in name at least, with each state and territory represented by one woman and one man. To what extent are women participating significantly on these committees of which they are members? What kind of women are they? And how important is their influence?

Again following Miss Breckinridge's procedure, a questionnaire was sent to all national committeewomen requesting information pertinent to these questions. Eighteen of the 45 Democratic committeewomen and 23 of the 53 Republican committeewomen responded;⁶ and from the replies it has been possible to extract the following data bearing on the rôle of women as members of the national committees.

Of the 18 Democratic women responding, the great majority have worked up to their present positions through other party offices. Only three have held no other office in the party, and many have been precinct, ward, city, county, and state committee members and officers. Many also have been officers in Democratic women's clubs. Two have served as presidential electors, and three as convention delegates. In addition to these party positions, 11 of the 18 have held public office, including a variety of local, county, state, and national positions. These range from clerk in town court to United States minister to Norway, and include an executive secretary to a governor, three memberships in state legislatures, four memberships in local boards of education, and one membership in a county board of supervisors. The average for the group of 11 is two public offices. These women have spent from six to 32 years in politics, with an average of 19 years.

Each Democratic committeewoman belongs to at least one women's organization aside from party clubs, and the average number of memberships is four. Those most often mentioned are: the General Federation of Women's Clubs, nine; the League of Women Voters, eight; and the National Federation of Business and Professional Women's Clubs, seven. In all, 23 organizations of more than local scope are listed.

Most of these Democratic national committeewomen state that they have worked for a number of civic issues during their political careers. Predominant on their lists of special fields of interest are the following,

⁶ This is a larger coverage than that obtained by Miss Breckinridge, who received replies from 11 Democratic and 12 Republican committeewomen.

in order: child welfare, education, women in industry, consumer problems, juvenile delinquency, and foreign affairs. There is a marked similarity between the special fields of interest listed by the committeewomen of 1944 and those mentioned by the committeewomen canvassed by Miss Breckinridge in 1933.

The 23 Republican committeewomen returning questionnaires indicated a similar pattern of activities, interests, and opinions. The majority have worked up from less important party offices; only four are holding their first party office at this time. In addition to service in precinct, city, county, and state committees, they have been active in Republican women's clubs, and nine have served as convention delegates, seven as alternates. Turning to the field of public service, we find that 12 of these Republican committeewomen have held public office in their city, county, or state. Three have been elected to state legislatures and four to school boards. The group includes a former state treasurer, a city prosecutor, a police magistrate, and a state's attorney. The average number of public offices held by these 12 women is one and one half. The group of committeewomen responding have spent from nine to 25 years in politics, averaging 19 years.

Each of these Republican women belongs to at least one women's organization outside the party, and the average woman belongs to three. Fourteen indicate membership in the General Federation of Women's Clubs, while three list each of the following affiliations: Daughters of the American Revolution, League of Women Voters, Parent-Teachers Association, and the Young Women's Christian Association. Republican committeewomen, like their Democratic sisters, are interested in civic issues centering around child welfare, women in industry, education, and war activities such as the American Red Cross.

Both Republican and Democratic national committeewomen were asked to express their opinions regarding the influence of women on the national committees, and the lines along which such influence is felt. Two-thirds of the 41 women answering the questionnaire believed that they had a genuine influence on national committee policies and procedures, but about one-third stated in rather strong terms that the influence of the women members was negligible. Among the opinions expressed by Republican committeewomen in the latter group were the following: "We are known mostly for our nuisance value"; "Of less value today than twenty years ago"; "There are some women who have influence, but they have to be pretty big women"; "There are many women on the committee who have nothing but a feminine viewpoint, and those women have influence only when matters concerning women are being considered"; "Women are not as important as they should be, due to two reasons: first, many men do not want women to participate, except to do the chore-boy

type of politics, and second, some women feel rather inferior and reluctant to take their rightful place, or else they are too aggressive"; "A woman's influence on the national committee is frequently a direct reflection of her power in her own state. Much depends upon the attitude of the male member from her state also, for in many instances there is jealousy for the limelight. Only a few women members have real influence, largely because in many instances their selection is dictated by logrolling rather than fitness or ability. Personal wealth gives them influence in some instances, but frequently this merely means that they seek publicity and are not necessarily competent."

About a third of the Democratic committeewomen shared the same point of view. To quote them in their own words: "Unfortunately, women have little or no influence on the national committee. In most instances, women are never consulted concerning patronage"; "The majority of women have little influence, unless they have a strong personality. During the past ten years the Democratic committee has given women more recognition, having included them on important committees. As they participate on these committees, they should be helpful in assisting to formulate the policies of the party"; "I do not consider the influence of the women important, and see no immediate prospect of it becoming anything more than personal and indirect"; "I do not consider that women on the national committee have any influence, important or otherwise. In my state, the national committeeman got used to politics without women and, consciously or unconsciously, he has never recognized the fact that they vote, let alone that they are capable of functioning politically. Women are still on the outside looking in."

Several women in both parties stressed the point that the influence of the national committeewoman is in proportion to her political influence in the community or district from which she comes. It was thought by others that as women become more experienced organization workers, they achieve more power on the national committees. An appreciable number of committeewomen agreed that their influence was primarily in the details and mechanics of procedure rather than in basic policy-making. Several women expressed the opinion that their influence had been largely concerned with questions of social welfare, since, to quote one statement, "women are consulted oftener on such subjects because they are supposed to know more about child welfare, old age pensions, and such social problems."

The committeewomen were asked to suggest ways of improving the position of women in party organization. There was general agreement on four points: (1) Women must be better informed on current affairs, and thus more adequately equipped to make their opinions heard. (2) Women must support party organization and activities with greater energy and

loyalty. In the words of one committeewoman, "too many women work at politics only when the bands are playing and the flags are waving." (3) The masses of women must be aroused from their political apathy, and as this is accomplished it will raise the status of women political leaders. (4) Strong women candidates must be supported, to enhance the prestige of women generally. As one Republican committeewoman stated, "too many times in the past we have supported women just because they were women rather than because they had the background and training for the job they sought. When such women are elected and fail to do a good job, it is a reflection on all of us."

Other suggestions offered by one or more committeewomen included the following: "Women should be less personal and more objective"; "they should take greater part in the money-raising activities of the parties"; "women should not try to impress the men that they know more than the men do"; "women should be more practical and less idealistic—they must learn when it is necessary to compromise"; "too many women feel that they are superior to political bosses. This gives party leaders the conviction that women are political trouble-makers and do not belong in strictly party positions."

There was, however, a distinct split of opinion on the means of reaching these and other ends. One side believed that women should organize, work, and vote as a group; the other believed that they should work, not as women, but as individuals, shoulder to shoulder with men, gaining positions, not through pressure on the part of their sex, but through their ability.

If it can be assumed that these 41 committeewomen are representative of their feminine colleagues on each national committee, the findings of this study would seem to agree in general with those arrived at by Miss Breckinridge in 1933. As the earlier study concluded: "The committee-woman is often a mere shadow of the committeeman, but she is a woman. The door has opened a little."⁷ Comparing the opinions of the committee-women of 1944 with those expressed in 1933, it is obvious that the door has opened farther during the last ten years. On the other hand, the door is still not wide open. Too large a proportion of the national committee-women still feel strongly that their influence is negligible in basic policy determination.

⁷ *Ibid.*, p. 288.

MEETING THE NEEDS FOR STATE AND LOCAL REVENUES IN THE POSTWAR ERA

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"The financing of government in the South presents an important field of study. The needs in relation to sources of revenue are greater in the South than in other parts of the nation. The South has relied heavily on the property tax to meet these needs, but it has also experimented widely with other forms of taxation. It has depended on federal grants to a great extent, though it has had difficulty in meeting certain conditions set up for some of these grants. The whole subject of government finance needs to be further studied and the experiences of the various states in the area need to be compared and contrasted. Materials will be found in state reports, in the reports of federal agencies which distribute grants-in-aid, and in the findings of various groups which have studied the general problem, as, for example, the Advisory Committee on Education which reported to the President in 1939, and the Committee on Intergovernmental Fiscal Relations set up by the Department of the Treasury."²

Much of the foregoing comment by a group of Southern political scientists with special reference to the Southern region is equally applicable to states in other sections of the country. It has often been alleged that the American tax system, in so far as it may be called a system at all, is a survival of the horse-and-buggy age. The thousands of small local taxing jurisdictions existing throughout the country—some 165,000 of them—are striking evidence of our antiquated methods of levying and collecting taxes. In Pennsylvania alone—and many other states are in a worse condition—there are approximately 5,200 local units of government, half of them school districts, and all of them with the power to tax and to incur debt.

I. THE PLIGHT OF THE LOCAL UNITS

Limitations on Local Taxing Powers. In the face of the multiplicity of taxing jurisdictions, the base on which these agencies may levy taxes has become increasingly narrow. Local communities in Pennsylvania are not permitted to tax sources of tax revenue preempted by the state. Moreover,

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² From *Governmental Problems of the Post-War Period; Research Suggestions for Southern Political Scientists* (University of Alabama, 1943), pp. 8-9.

the state constitution prohibits levying any taxes which are not uniform on a given class of subjects. A progressive tax on net personal incomes based on ability to pay, recognized by tax authorities as an equitable tax, cannot be levied even by the commonwealth of Pennsylvania, let alone by local communities within the state.

Results of Inability to Raise Adequate Local Revenues. Parallel with the increase in the number of units of local government, there has been a tremendous increase in the number and scope of the functions of government performed, with a corresponding increase in the total expenditures incurred. Because of the narrow tax base available to meet these expanding local needs for public expenditures, local communities have been hard pressed to find sources of revenue adequate to meet the financial burden imposed on them. They have increased the tax on real estate values, often beyond the point of fairness and equitability. They have tried, within the constitutional limits imposed upon them, to devise new tax forms. They have made extensive use of their constitutional or statutory borrowing power, many of them rushing headlong into debt. Not least important of the methods which they have tried has been the appeal to the larger units of government for financial assistance; and thus have grown up the extensive systems of federal and state grants-in-aid. In view of the perplexing problems which face the local communities in the post-war era, it becomes important that we analyze now the effects of the grant-in-aid system, and that we consider ways and means of meeting the state and local needs for revenue.

II. FUNDAMENTAL ASSUMPTIONS

Any proposal for meeting the financial needs of the state and local units after the war must of necessity be based on certain assumptions, of which three are here important.

Trend toward Centralization. We may as well accept the fact that the development of modern science has made it not only possible but necessary for government to function in larger units than heretofore. Machinery and new methods of transportation and communication have changed our way of life. The diminishing importance of space has made government at long range possible; the increasing significance of the time factor has stimulated the demand for speed in governmental activity. Power has passed from one unit to the next successively higher, in one jurisdiction after another, both here and abroad. Counties, cities, and towns have lost to the states, the states to the nation; and now it seems likely that the nation will likewise shift some power to some international organization designed to maintain peace and order in the family of nations. Politicians have denounced this trend, while scholars have expressed apprehension about the speed with which centralization has advanced, if not about centralization

as such. Whether we like it or not, it is here, and as far as can be seen, it is likely to be more rather than less in evidence in the immediate future.

It is not meant to imply either that this trend toward centralization will go on forever or that it cannot be reversed. Certainly there is a point beyond which it cannot go, although no mortal may be wise enough to tell us precisely where it is. It may not be so far ahead as some are inclined to believe. Neither is it to be concluded that centralization has been an unmixed blessing; the verdict of the future may be that, in some of its forms, it has already gone too far. Since, however, the end is not yet in sight, we may well, for the present purpose, concern ourselves less about the fact of centralization and more about making adjustments essential to the operation of free institutions within the new and somewhat different framework which results from centralization.

—*Expanding Scope of Governmental Activity.* In the second place, we may as well accept the idea that government will undertake more activities and assume more functions designed to promote the general welfare, and that it will enlarge many of the programs that are already under way. One may call it bureaucracy, if he chooses, but that does not in any way diminish the significance of the fact that the people are constantly demanding—and getting—more and better service from government at all levels—national, state, and local. While this trend, also, may not go on forever, no one knows where it will stop. If there is to be left a sizable sphere within which the individual is free to do as he likes, the trend should stop—one may even say, it must stop—somewhere well on this side of the assumption by government of control over all forms of human activity. Perhaps, even here, we may be nearer than we realize to the outermost boundaries of that expansion.

Nor should one forget that many of the supposed losses of power occurring through centralization have been offset, in whole or in part, by the development of new activities and the expansion of older functions already being performed by the very units which centralization is supposed to be destroying. New standards of administrative management demand not only that governments do more things, but that they do them better; and governments are meeting that challenge.

—*Continuance of Federal Financial Assistance to State and Local Governments.* Finally, we must assume that, by some device or other, the amount of financial assistance given to the states by the federal government will continue to be very large and that it may even increase. Grants-in-aid for established state activities have grown from the small beginnings made in the Morrell land grant act of 1863 to very considerable proportions. The number of purposes to which the subsidy system has been applied has steadily increased, along with the amounts appropriated. When periods of emergency have arisen, enormous additional grants have been made,

regardless of the party in power. The Republicans established the Reconstruction Finance Corporation; the Democrats continued this agency and added many others—the Civilian Conservation Corps, the National Youth Administration, the Works Progress Administration, the Public Works Administration, etc. It seems reasonable to assume that, in the critical post-war period, old established grants will be continued as in the past, and that new ones will be made in large amounts, the purposes and conditions of which will be dependent upon the nature and proportions of the emergency.³ It behooves us now, therefore, to take thought for the morrow, before the pressure for immediate action in a critical situation precludes the possibility of careful analysis.

III. POSSIBLE SOLUTIONS

Continuance of the Grant-in-Aid System. Grants-in-aid by both the federal and state governments for specific purposes have become an important source of "public funds" in states and local communities during recent years. In the present discussion, consideration will be confined chiefly to federal aid payments to the state and local governments which, during the fiscal year 1938, for only three forms of public assistance, amounted to over a quarter of a billion dollars. Just before the outbreak of the war in 1939, federal aid to states and local communities, in the form of regular, permanent grants, reached approximately one-half billion dollars. Substantial increases in these grants may be expected in the years to come, particularly for public assistance grants under the Social Security Act, for public health, and for public housing.

In the light of this expansion in the use of so-called "federal funds" to help meet local needs, it would appear advisable to examine into possible alternatives, perhaps resulting in a radical change in the past and present policy of granting federal aid. The states and local communities, being either unable or unwilling to pay for new programs of governmental activity, have appealed to the federal government for more and more aid for more and more purposes. While the amount appropriated for such aid has been increased from year to year, this has not been done in accordance

³ One observer takes exception to this assertion. His views are best stated in his own words: "In the first place, the federal government will have financial difficulties of its own; and, in the second place, unless the law of the pendulum has been repealed, there will be a political reaction to the recent policy of increasing federal financial aid to the states. In short, I am not at all sure that the trend as here stated will inevitably continue; but even if I were, and I believed it boded ill, I would resist it rather than hasten it. I recall the famous retort of the late Senator Penrose to a committee of suffragettes who asked his espousal of their cause on the ground that woman suffrage was inevitable. He replied, 'So is death, but I don't see anyone hastening to meet it.' Lest I be misunderstood, let me hasten to remark that I never shared the late Senator's distaste for woman suffrage."

with any plan. The amount of increase has depended upon the resourcefulness of lobbyists and on the success with which their techniques have been applied in the sponsoring of new programs or of increases in existing programs. No attempt has been made, either to determine how much federal aid should be given to the states and local communities, in relation to their over-all needs or to the total national income, or to allocate in some equitable and systematic manner the total federal funds to be apportioned among the various governmental purposes for which subsidies are desired.

Federally-collected, State-shared Taxes. A system of federally-collected, state-shared taxes might be used to supplement, or at least in part as a substitute for, the existing grant-in-aid system; the means test, which is widely applied in the allocation of such aid, might be in part dispensed with, so that the amount of funds agreed upon would be made available to the states as a matter of legal right. Where the grant-in-aid system was continued, some means test of eligibility for such grants should be required, with a view to maximizing the community benefits derived from funds made available by the federal government for state and local purposes. The term "federal funds" is an unfortunate misnomer, for in the last analysis, these funds are collected by the federal government in the form of taxes levied against the income of the people. Because federal taxes, under present laws, can be more equitably apportioned than locally levied taxes, the possibilities of extending the principle of centrally-collected, locally-shared taxes should be carefully explored.

Under this proposal, the federal government would serve as the collecting agency for a portion of the local taxes, which would be refunded in accordance with an acceptable formula, considering population, federal taxes paid, or other similar criteria to be agreed upon in advance. In highway appropriations, for instance, the old formula allotted equal weight to population, area, and post-road mileage. Extensive controversy has developed out of the current proposal to allot such funds by a formula in which one-half of the funds appropriated are allocated on the basis of population, one-fourth on area, and one-fourth on post-road mileage.

If the federal government were, at the close of the war, to refund annually to the state and local governments for some years to come ten dollars of taxes per capita, paid by the people in the form of federal income taxes, this would represent, in the case of the city of Philadelphia, a fund of \$20,000,000. A similar refund of ten dollars per capita throughout the country would mean \$1,300,000,000 annually, or less than one week's cost of financing our war effort. But if \$20,000,000 additional tax revenue had to be raised locally by increasing the levy on real estate values in Philadelphia, it would necessitate increasing the city tax rate, which many regard as too high already, by practically 50 per cent.

The differences between obtaining grants-in-aid and obtaining federal

tax refunds by the states or local governments are rather obvious. So-called "federal funds" would come to the states and their subdivisions without strings attached, and without wirepulling and political maneuvering to get them. A broad provision that these funds should be used for local capital expenditures, as planned and recommended by the local planning commission, might be considered, but it is believed that control over the allocation of the refunds should be under local authority and not centered in the federal government. Funds collected by the federal government would be refunded as a matter of legal right, and not by requiring definite proof of need, as is the case with many of the current federal grants-in-aid.

Modernizing the State Tax System. It has been argued that it would be sounder procedure to aim at state and local tax reform, through constitutional amendments if necessary, in the interest of efficiency, economy, and equity in levying state and local taxes, rather than to centralize the taxing power in the hands of the federal government. Certainly the effort to achieve such reform should not be diminished; on the other hand, the solution of immediate postwar financial problems cannot be suspended while further efforts at reform are carried on. Constitutional revision in the states proceeds at a snail's pace. Few movements for revision ever get to the convention stage, and of those that do, very few indeed actually result in the adoption of revised constitutions. The prescribed processes for piecemeal amendment are so difficult to operate that, in most states, progress by this method is almost equally difficult. The proposal for change, by whatever method, arouses such determined resistance on the part of entrenched groups that the prospect of solution of the tax problem by the time-honored processes of state and local action seems extremely remote.

Our inquiries into overlapping taxes and possible ways of allocating sources of revenue to the three levels of government should go on, and undoubtedly will result ultimately in a more orderly and equitable revenue system than we now have. Once we have arrived at some degree of agreement on the broad outlines of such a system, there is likely to be more rapid progress toward state and local revision than we have had in the past.

IV. WHAT COURSE SHALL WE FOLLOW?

An effort has been made to indicate the framework within which a choice of method or methods in the handling of the postwar needs of state and local governments for funds will have to be made. Many of the states have not, in recent years, been able to provide the revenues they need, under the shackles of outworn constitutional provisions affecting their taxing powers. As a substitute for making the necessary changes in

their constitutions, they have sought federal aid. Former Governor Pinchot of Pennsylvania, for instance, was among the first—if not the first—of the governors of the states to appeal for federal assistance in the relief crisis of 1932, and Pennsylvania, a populous and wealthy state, might, if it had had a modern tax system, have met its own needs fairly easily. By seeking aid from afar, the states have to a large extent forfeited their control over their own affairs. Their citizens pay the tax bill anyway, in the form of federal taxes, if not in that of state taxes, and in so doing, they have surrendered to senators and representatives from other states the determination of the kinds and amount of taxes to be raised from their citizens, and the disposition which shall be made of the funds so obtained.

It seems reasonable to expect that in the postwar era, the need for public funds will be great. Governor Dewey has recently said that the state and local units will be relatively free from debt after the war, and therefore in a stronger position financially than the federal government. Even so, they will still expect federal assistance if the going gets tough, as very likely it will. The habit of expecting such assistance is well established, and it is not likely now to be reversed, no matter how strongly some may believe that the states should avail themselves of this favorable opportunity for reversing it.

There are, as has been shown, three ways of meeting the financial problem which will confront the states and many local communities after the war. Which one shall they adopt? The course that they ought to follow is perfectly clear—they ought to put their financial houses in order. This they have made no serious effort to do in the past; if they should do it now, they could, in all probability, get along reasonably well without wholesale financial assistance from the federal government. Perhaps one way of accelerating tax revision at the lower levels of government would be to remove Santa Claus from the upper level. A strong case might be made for a federal policy that would force state and local governments to bestir themselves in the matter of revenues rather than for pursuing, as in the past, or as seems likely in the future—a policy that would lull them to sleep. From that sleep there might be a dreadful awakening!

It is probably merely wishful thinking, however, to expect either that the states will themselves reform their financial policies and procedures in time to meet the postwar needs, or that the federal government will compel them to do so. We are confronted, then, with an unwelcome choice between a continuance of the haphazard grant-in-aid system and the adoption of a federally-collected, state-shared tax program. The subsidy system is, in a sense, a bribe to the states to increase their spending. It may, in some cases, be wasteful. It has been systematic and consistent only in its adherence to the principle of raiding the federal treasury. But it is not likely soon to be abandoned. The politics of the situation points clearly to its continuance. The senators and representatives from the

many states that have the votes and that need the money are not likely to settle for less than they have been getting. But always the amount of federal aid should be kept at the minimum necessary to aid states with limited resources to maintain essential services at a minimum acceptable standard, and the states and local communities should be required to carry as much of the burden themselves as they can. Locally raised money is less likely to be spent lavishly than money received as a "gift" from the federal government.

There are many objections, also, to federally-collected, state-shared taxes, one of the most important of which is the possibility that the plan might lead to further centralization of the taxing power in the hands of the federal government. As Chief Justice Marshall said in quite a different connection, "the power to tax is the power to destroy"; increasing concentration of the taxing power in the federal government might lead ultimately to the complete destruction of the state and local tax autonomy. Moreover, to accept the principle of centrally-collected and locally-shared taxes as a matter of legal right is an implied admission of failure to achieve state and local tax reforms, designed to make possible levying equitable taxes by the state and local governments.

It has been argued also that, unsatisfactory as the subsidy system is, to go from it to federally-collected, state-shared taxes is to jump from the frying pan into the fire. Under a system of federal grants for specific purposes, the amount of federal aid has to bear some reasonable relationship to specific purposes and specific needs, while under the latter, the grants would be for general purposes of the states only, and the sky might be the limit. Much larger sums might come back to the states under this plan than under the grant-in-aid system, and, it is argued, the evils inherent in having "gift" money to spend would be correspondingly magnified.

Another possible objection arises from the difficulties likely to be encountered in devising an acceptable formula for the distribution of the shared taxes. It will prove immeasurably more difficult, says one writer, to devise an appropriate formula than to say that there should be one. If such a formula were devised by Congress, it might be written by a pen guided by sectional interests rather than by considerations of justice, and it might change with the changing political complexion of Congress, thus introducing a high degree of instability into state finances. While every proposed change of major policy should be examined with a view to foreseeing the worst possible outcome of its adoption, this dire prediction exaggerates the instability of Congress and suggests a too ready willingness to expect the worst.

Not all taxes, of course, can be centrally collected to advantage. Careful selection must be made of the taxes to be so handled. Obviously, a tax on real estate values should not be centrally collected, nor should a mercantile license or other tax on the privilege of doing business. On the other hand,

a sales tax—either general or specialized—should, if it is to be effective, be so collected. Central collection of such a tax insures lower costs and a minimum of evasion due to the making of purchases in areas not included within the area in which the tax applies. Similarly, an income or wage tax can be best collected centrally.

In spite of the many objections to and limitations upon the centrally-collected, locally-shared principle, it seems definitely preferable to the subsidy system—the alternative that seems most likely to prevail. It is more economical in collection costs than duplicate collection systems in the individual states. The federal collecting machinery is more efficient than that in most states; hence there is less opportunity for tax evasion. The use of the graduated income tax principle assures fairness and equitability in the distribution of the tax burden. Most important of all, it makes possible the exercise of some control over the amount of federal aid given to state and local governments, and restores to them the opportunity to determine the uses that shall be made of the money. As such, it constitutes a move in the direction of the restoration of the vitality of the state and local governments in the management of their own affairs.

If such a plan is adopted, care must be taken to establish a situation in which the federal government will not take advantage of its position as collecting agency to force conditions upon the states, as has been done on many occasions in the past. The Hayden-Cartwright Act of 1934 well illustrates this practice. Here, funds appropriated to the states for highway purposes were made available only to those states which refrained from an "excessive" diversion of the funds raised by gasoline and motor vehicle taxes. While an amendment to the federal Constitution would give greater assurance of continued freedom from federal interference in the use of the funds, it will be necessary, in the absence of such an amendment, to rely upon the integrity of Congress.

V. A FEDERAL-STATE FISCAL AUTHORITY

A few months ago, the United States Treasury's Committee on Intergovernmental Fiscal Relations reported, recommending again the establishment of a Federal-State Fiscal Authority. Regardless of what the decision shall ultimately be as among the three alternative methods of meeting the financial needs of the state and local governments in the postwar era, the need for coördination in the field of intergovernmental fiscal relations will still be acute. The problem is a continuing one, and could best be dealt with by such a Federal-State Fiscal Authority as the Committee proposes. Whatever is done to meet the immediate need will, of necessity, be a more or less temporary means of handling an urgent current situation. The establishment of such an Authority would provide the machinery for developing a long-range fiscal policy on a relatively permanent basis.

EMERGING PROBLEMS IN THE CONDUCT OF AMERICAN FOREIGN RELATIONS

I. ORGANIZING THE GOVERNMENT FOR PARTICIPATION IN WORLD AFFAIRS

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I. INTRODUCTION

Looking at the post-war period, it seems obvious that the government of the United States will give more attention to foreign affairs than it has in any comparable period of American history. How can the machinery for conducting foreign relations best be organized to meet these increasing responsibilities?

The conduct of foreign relations in the modern world is no simple matter. Technical experts, intelligence systems, ability to negotiate, national political stability, a large and loyal staff of public servants—these are but some of the national requisites for effective participation in world affairs. The mobilization and organization of the best staff resources in the country, the negotiation of national policies, and then of international agreements, constitute a formidable task under any system of government.

The conduct of foreign relations is, of course, easiest in a completely authoritarian state. It is made immeasurably more difficult by any division of authority. In most non-authoritarian governments, some division of authority has been found desirable, even at the expense of occasional awkwardness of procedure, because thereby the dangers of usurpation of power are minimized. The United States has gone farther than any democratic country in dividing responsibility in foreign affairs. Not only is there the usual distinction between legislative and executive authority, but the independence of the two branches has been so far underlined that the achievement of over-all *government* policies (as distinct from *legislative* and *executive* policies) is extremely difficult unless the party relationships are just right between the two ends of Pennsylvania Avenue. More than this, we have not yet successfully organized even the executive branch for the formulation and execution of foreign policy. Finally, our federal system has made well nigh impossible in the past the acceptance of interna-

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tional responsibility in many important areas like education and labor relations which were not considered within the jurisdiction of the national government.

Other contributions to this symposium deal with the first and last of these special problems of division of authority. The present article deals with some of the administrative problems arising in the executive branch in connection with the conduct of foreign relations.

II. TRADITIONAL RÔLE OF THE DEPARTMENT OF STATE

It has been the practice of the United States to insist that all contacts with foreign states should take place through the Department of State. During the early decades, when our international relations consisted mainly of negotiating treaties, maintaining our neutral rights, and protecting our citizens abroad, this proved a logical arrangement. It was a relatively easy matter to channel all communications and all activities relating to foreign affairs through the State Department—the agency charged with the responsibility of conducting, on behalf of the President, the nation's foreign policy.

However, the widening scope of our foreign relations, increasingly touching upon subjects far removed from the background and fields of training of State Department personnel, led gradually to the establishment of direct contacts between other United States agencies and foreign governments. Thus the Departments of Agriculture and Commerce, as well as the Army and Navy, sent attachés to diplomatic missions abroad. These attachés consulted directly with departments of foreign governments, although they did so always under the supervision of the chief of the diplomatic mission. During World War I, widespread technical contacts were established between the Allied and Associated Governments on shipping, food, and production questions. An extensive hierarchy of inter-allied committees emerged in which technicians of the various governments worked side by side. In the course of this experience, there developed the prototype of the present Combined Boards. The consulting officials were able automatically to implement their international decisions through administrative regulation of the national agencies to which they were attached. During the period following the first World War, the system of attachés continued, and direct foreign contacts of agencies other than the State Department was stimulated further through the needs of League of Nations technical committees. It is interesting that in spite of non-membership by the United States in the League, the machinery of United States foreign relations was thus influenced along the lines intended by some League proponents, viz., to increase contacts among technical governmental agencies and with the technical committees of the League without the interposition of foreign offices. In 1939, because of

confusion in foreign countries due to competition among the field representatives of various agencies, the agricultural and commercial attachés were brought under the direction of the Department of State by Reorganization Plan No. II. This amalgamation had barely been effected when we entered World War II.

III. WARTIME EXPERIENCES IN CONDUCTING FOREIGN RELATIONS

World War II ushered in a new period of divided responsibility not unlike that of World War I. By its very nature, this war, fought on the military, economic, psychological, and diplomatic fronts, has required a tremendous broadening of government activity in foreign relations. The net effect has been to reduce the exclusive control of the State Department and to increase the responsibility of other agencies. Inevitably there have arisen a host of serious problems in inter-agency relations and in the coördination of foreign policy, in both its military and civilian aspects.

(1) *Military Aspects of Wartime Foreign Relations.* The military side of our foreign relations has involved the coördination of United Nations' strategy and operations, and the disposition of men and materials according to master plans. The combined planning of Roosevelt and Churchill, each with his technical military staff, has provided the broad framework of these plans. In carrying on discussions in behalf of the United States, the President has merely continued his traditional and constitutional rôle of conductor of American foreign relations. To provide the foundation for these discussions, however, and to implement the decisions arrived at, a vast expansion of United States relations with allied governments has come about through the medium of the War and Navy Departments. Elaborate consultative and planning agencies have been created, generally under the aegis of the Combined Chiefs of Staff. The subject-matter of these combined agencies, although generally classed as military, ranges, in fact, over a wide variety of matters cutting deeply into foreign policy and other civilian activities. No decisions can be taken on the military front without considering the potential effects upon our relations with allied and neutral countries. Involved are problems of the highest political importance. For example, how should United Nations forces be deployed near countries not members of the United Nations? What policy shall be followed by the armed forces toward the governments-in-exile, and more particularly toward democratic and fascist groups, toward labor, industry, and the churches, when territories are liberated from the enemy? What policy limitations shall be placed upon the AMG forces following the periods of active military operations? These are but illustrations of the many questions with which the military become centrally and vitally concerned and on which, for strategic reasons, they must have or provide decisive answers. Yet each decision made has far-reaching consequences

for the long-term foreign relations of the United States, and consequently is of vital concern to the State Department.

It is not enough to say simply that when peace gives way to war international relations become primarily military relations. The war is but a passing phase in the continuing relations between nations, and wartime relations must therefore be coupled at the beginning and close of war to the pre- and post-war policies of the nations involved. While, therefore, the armed forces take over many important aspects of international relations, they must have continuing collaboration and direction from the foreign offices concerned.

Because the military represent established departments with contacts abroad and at home, because the area of their official concern is well marked out in practice, because the President is commander-in-chief as well as chief of state in relations with foreign governments, and because in war military considerations so clearly take precedence over civilian, it has been relatively simple to devise machinery for tying the State Department and other civilian agencies into discussions with the military. It is to be presumed that differences of opinion have frequently appeared and that smoothly functioning machinery for coördination of policies and operations has not always been present. Yet the inexorable drive of events and the wartime balance of power among the various agencies have encouraged decisiveness and discouraged prolonged jurisdictional disputes.

(2) *Civilian Aspects of Conducting Foreign Relations.* The difficulties in coördinating civilian activities in foreign affairs have been far greater. The creation of a number of emergency agencies which carry on programs in the field of foreign relations inevitably led to numerous jurisdictional conflicts. The Secretary of State, it was assumed, and explicitly stated on several occasions, continued to be responsible for the formulation of foreign policies and for the conduct of normal diplomatic relations. How was this responsibility to be carried out, and how did it impinge on the functions of other agencies? A glance at the executive orders and the presidential letters bearing on the functions of the more important civilian agencies in this area will show something of the character and magnitude of the problem.

(a) *Definition of Inter-agency Relationships.* The Executive Order of July 30, 1941, setting up the Office of the Coördinator of Inter-American Affairs indicated that his office was to act as the coördinator for all inter-American activities, but that it was to work very closely with the Department of State. The pertinent parts of the order provided that the CIAA should do the following: (a) "serve as the center for the coördination of cultural and commercial relations of the Nation affecting Hemisphere defense; (b) formulate and execute programs, in coöperation with the Department of State, which, by effective use of governmental and private facilities in

such fields as the arts and sciences, education and travel, the radio, the press, and the cinema, will further the national defense and strengthen the bonds between the nations of the Western Hemisphere; (c) formulate, recommend, and execute programs in the commercial and economic fields which, by the effective use of governmental and private facilities, will further the commercial well-being of the Western Hemisphere."

The Executive Order of July 30, 1941, directed that the Economic Defense Board (later called Board of Economic Warfare, and now a part of the Foreign Economic Administration) be set up for the purpose of "developing and coördinating policies, plans, and programs designed to protect and strengthen the international economic relations of the United States in the interest of national defense." The order also stated that economic defense meant the conduct of international economic activities relating to exports, imports, the acquisition and disposition of materials and commodities from foreign countries, including preclusive buying, transactions in foreign exchange and foreign-owned or controlled property, etc.

The Executive Order of October 28, 1941, establishing the Office of Lend-Lease Administration laid the basis for the working relationship between the State Department and OLLA. It provided that "the master agreement with each nation receiving lend-lease aid, setting forth the general terms and conditions under which such nation is receiving such aid, shall continue to be negotiated by the State Department, with the advice of the Economic Defense Board and the Lend-Lease Administration."

The Executive Order of February 7, 1942, establishing the War Shipping Administration, outlined the functions of WSA, but said nothing about the rôle of the State Department. Among other things, WSA was to "represent the United States Government in dealing with the British Ministry of War Transport and with similar shipping agencies of nations allied with the United States in the prosecution of the war, in matters related to the use of shipping."

The Executive Order of April 30, 1942, defining certain functions and duties of the Board of Economic Warfare, provided that the BEW should "represent the United States Government in dealing with the economic warfare agencies of the United Nations for the purpose of relating the Government's economic warfare program and facilities to those of such nations." It also provided that for the purpose of carrying out its responsibilities, "the BEW may arrange through the Department of State to send abroad such technical, engineering, and economic representatives responsible to the Board as the Board may deem necessary."

The Executive Order of June 13, 1942, providing for the Office of War Information, stipulated that the Director should perform certain func-

tions and duties "consistent with the war information policies of the President and with the foreign policy of the United States and after consultation with the Committee on War Information Policy."

The President's letter of March 19, 1943, to Governor Lehman, defining the functions of the Office of Foreign Relief and Rehabilitation Operation authorized him "to plan, coördinate, and arrange for the administration of this Government's activities for the relief of victims of war in areas liberated from Axis control through the provision of food, fuel, clothing, and other basic necessities," etc. It also provided that OFRRO's "operations in any specific area abroad will, of course, be subject to the approval of the U. S. military commander in that area so long as military occupation continues, and in matters of general foreign policy you will be guided by the directives of the Secretary of State."

In his letter of June 3, 1943, outlining the plan for coördinating the activities of civilian agencies in liberated areas under the Office of Foreign Economic Coördination, the President insisted that there had to be one central point in Washington for the coördination of such activities and said that he looked to the State Department to assume the necessary leadership. "I shall rely on you," he wrote Secretary Hull, "to unify our foreign economic activities to the end that coherent and consistent policies and programs result."

In a further attempt to coördinate our international economic activities, the President, on July 15, 1943, announced that "the Director of the Office of War Mobilization is given the responsibility of unifying and coördinating the policies and programs of the agencies engaged in foreign economic matters in conformity with [the] foreign policy of the United States as determined by the State Department."

On September 25, 1943, the President issued an executive order consolidating OLLA, OFRRO, OEW, and parts of OFEC, into the Foreign Economic Administration so as to "unify and consolidate governmental activities relating to foreign economic affairs." The order provided that "the powers and functions of the Administration shall be exercised in conformity with the foreign policy of the United States as defined by the Secretary of State."

All of the executive orders cited placed duties involving foreign relations upon agencies other than the State Department. Most of them specified that the powers granted should be exercised in conformity with the foreign policies of the United States as formulated by the Secretary of State. However, this reiteration of the rôle of the Secretary of State was not enough, in practice, to insure a smoothly working system of multiple-agency conduct of foreign relations. Given the large number of agencies involved, how was the State Department to exercise its control of foreign policy?

When all foreign activities are carried on by Foreign Service officers or by attachés under its control, the Department is in a position to maintain daily supervision, if it wants to, and it can allow freedom of action to individual officers at its own discretion and in accordance with current experience. When, however, employees of other agencies are making important decisions affecting relations with foreign countries, and receiving their orders from the heads of those agencies, the exercise of policy control is removed from a daily or routine administrative basis. The Department of State, therefore, sought to establish controls at strategic points in the process by which the agencies carried out their functions. The new agencies, on the other hand, sought to get areas of activity marked out for them, within which they would be allowed full discretion and freedom of action.

The real problem was an administrative one: how could separately identifiable parts of a total operation be geared so that they might function efficiently toward the achievement of a single objective? Preclusive buying, developing resources abroad, purchasing essential war materials, distributing information about the United Nations by radio, press, or motion pictures, are distinct activities calling for technical skills. Each is of such magnitude as to require specialized technicians and large supporting staffs. Yet, in the interest of consistent national policy, none could be carried on except in the framework of foreign policy.

The administrative problem thus faced has been of very special concern because of its relation to the prosecution of the war. However, it will continue into the post-war period and must be approached as a long term problem of governmental organization. A satisfactory plan for the administration of our foreign relations did not exist before the war; for even then we were not organized for the job of a great twentieth-century world power. Through the war, our responsibilities have become greater and the scope of our foreign relations permanently more complex. The urgency for finding a pattern that will efficiently organize the government of the United States for foreign-relations purposes is therefore born of pre-war neglect, of wartime experience, and of the need for foresight for the post-war period.

Wartime practices in multiple-administration of foreign relations have shown clearly the focal points at which the State Department and other agencies come into conflict. It will be useful to look more closely at the issues raised since their solution will provide the key to effective post-war administration of foreign relations.

(b) *Policy Determination.* Upon the creation of each of the agencies mentioned above, an effort was made to define precisely what the foreign policy supervision of the Secretary of State meant. In the course of time, several kinds of relationships or definitions of authority were tried out. Some

agencies attempted to organize their work on a *project* basis. In brief, the Department approved the agency's programs in broad outline and then permitted it to carry them out with general supervision, but without a great deal of interference. If CIAA's motion picture division, for example, desired to produce a series of films for distribution in Latin America, it outlined its plans in the form of a project which was submitted to the State Department for approval. Once the official approval of the Department had been obtained, CIAA carried through by letting the necessary contracts, supervising the production of the films, etc. Following a final review by the Department—which was usually provided for in the project—CIAA proceeded with the actual distribution. Permission for distribution could be withheld, of course, if it was thought that the films might prove detrimental to the development of the Good Neighbor Policy.

A number of agencies tried to distinguish *policy-making* (a State Department function) from *operations* (an agency function).¹ A completely satisfactory working arrangement based on this approach was never developed. It was extremely difficult to get agreement on the extent of control that the State Department needs to exercise to insure conformance to foreign policy. Clearly, a program likely to jeopardize our relations with other countries should not be approved. But on what grounds should the Department be able to declare a program contrary to our foreign policies? For example, if it is found necessary for the government to acquire wheat abroad, should the Department be permitted to hold up the proposed program on grounds of (a) the country from which it is proposed to buy, (b) the grade of wheat, (c) the price, (d) the company or agency through which the purchase is being arranged, (e) the personnel to be sent by the other agency to the foreign country to effect the purchase, (f) the fact that the purchase is to be made by our government direct or through a private trader? It became very evident that the line between policy and operations was almost impossible to find because from the beginning to the end questions of policy were always closely interwoven with operations.

Another formula was tried in order to distinguish the special areas of the BEW and the Department of State. The Board was to recognize the primary responsibility of the Secretary of State in the formulation and conduct of our foreign policy, but in "matters of business judgment" concerned with providing for the production and procurement of strategic materials, the Department was to recognize the primary responsibility of the Board. If, however, the State Department believed a proposal of the Board to be at variance with our foreign policy, the chairman of the Board

¹ Cf. the statement of Leo Crowley, shortly after his appointment as Administrator of FEA: "I will not attempt to have a foreign policy of my own. My end is operating and administering, while policy-making is for the President and Secretary Hull to determine." *Washington Post*, Sept. 30, 1943.

and the Secretary of State were to discuss the problem and reach a joint decision, calling upon the President for direction in matters of sufficient importance. This line between business judgments and foreign policy judgments was frequently just as hard to define as the line between operations and policy, because, in specific cases, the agencies found it difficult to agree whether foreign policy considerations were involved in business judgments.

An effort was made also to distinguish *economic policy* from *political policy*. Such a line was even more difficult to draw than that between policy and operations or between business judgments and foreign policy. For example, is a decision of our government to engage in the development of rubber plantations in Brazil a matter of economic policy or of political policy? What foreign economic policy is there that does not have political implications? A distinction may be made between economic facts and political facts as bases for policy judgments. But economic and political *policies* are parts of the same thing.

These approaches had in common an effort to define the point at which the Department of State should give its approval, in terms of foreign policy, to a proposed course of action. In particular, an attempt was made to define a point beyond which the other agencies would be free to act if they stayed within the terms of a stated area of policy. None of the foregoing efforts was found entirely satisfactory. There was a consistent belief on the part of the State Department that it had to exercise extensive supervision, and a corresponding belief on the part of the agencies that they were left insufficient freedom of action. All parts of foreign relations are so interrelated that it is virtually impossible to assign different parts to wholly independent agencies.

(c) *Personnel Selection.* The head of every agency of government appoints whatever personnel is needed to help him carry out his duties, subject, of course, to civil service regulations. The agencies engaged in foreign activities assumed that they were free to send abroad personnel they believed to be competent, although they realized that every person had to be cleared by the State Department in issuing passports. At this point, the Department of State felt itself justified in examining the qualifications of proposed field staffs in terms of their acceptability to foreign governments and their conformance to departmental standards for service abroad. The situation was productive of conflict and misunderstanding whenever clearance of personnel was delayed or denied. What was actually involved here was another phase of the policy control problem. Through such control over personnel, the Department could make sure that persons selected to carry out agency programs agreed with its foreign policies as interpreted by the Secretary of State. It could at the same time make a last minute check on projects which had previously been approved.

(d) *Communications.* The large field staffs of most of the war agencies made the communication system between Washington and the field an extremely important factor in carrying out agency functions. Every agency had to be in almost continual touch with its field personnel. This communication took place through normal mail channels, diplomatic pouch, cable, radiogram, and telephone. Cables and radiograms of most agencies go through the facilities of the Department of State, and since these messages involve instructions to, and information or reports from, the field, the Department has maintained that they should be scrutinized in terms of foreign policy before dispatch or delivery. The need for scrutiny was especially great in the early stages of the war when the personnel of the war agencies was new to the job and unschooled in the ways of diplomacy. The executive orders made no reference to this kind of surveillance by the Department of State, and bitter conflicts arose over the propriety of the control and over the manner of administering it which sometimes resulted in delays in delivery. Obviously, if the State Department were to raise policy questions, the messages could not be cleared by clerks, but had to run the gamut of professional staff members attached to various country desks. With an almost unbelievable increase in the number of communications,² both justifiable and unjustifiable delays no doubt occurred.

Although a satisfactory agreement was never reached among all agencies concerned regarding the kinds of questions the Department ought to raise in the course of clearance, a *modus operandi* was found sooner or later for each of the agencies involved. As the State Department and the other agencies coöperated more closely in planning programs and in formulating cables of instruction, the occasions for further interference were reduced. It gradually became possible to agree upon certain types of messages which the sending agencies could mark "no clearance necessary." These were to be dispatched by the Department without delay, with carbon copies distributed to persons concerned. At the same time, a necessary reorganization of State Department communication facilities permitted setting maximum time limits beyond which the Department was not to delay the transmission of messages.

At the center of the communications controversy was always the issue of the extent of policy control to be exercised by the Department after the broad lines of specific programs had been agreed upon. What seemed to the Department a necessary policing function was looked upon by the other agencies as interference in their internal operations.

(e) *Field Relationships.* There are two primary points of contact with foreign governments. The one is in Washington, with the representatives

² In October, 1943, some 800 cables a day were sent or received through the facilities of the Department, more than tripling the pre-war figure of 1939.

of the governments with whom we are carrying on relations. The other is in the various foreign countries through our own representatives located abroad.

From an administrative point of view, unity of policy formulation in Washington has its counterpart in unity of policy execution in the field. Just as there is only one Secretary of State representing the President in the broad conduct of foreign relations in Washington, there can be only one chief of mission, again representing the President, and directing United States field activities within each country. Here, then, is the final point at which control of policy may be exercised by the State Department, which is charged with the conduct of the President's foreign policy.

The executive orders setting up the various war agencies did not clarify inter-agency field relationships. Each agency sent its field staff abroad, after proper clearance through the State Department, and began issuing instructions to carry out the agency's job.³ To the extent to which the agencies in the early stages were not in agreement with the State Department on programs, it was possible for conflicting instructions to be sent by the agency and the Department to United States personnel in country A. But more was involved than consistency of instructions; the application of any foreign policy at a foreign post must always be guided by more than daily instructions from Washington. The exact temper of the foreign government and the status of other negotiations with it contribute to the judgment of the chief diplomatic officer in timing his negotiations. To a large extent, therefore, he must have freedom. It is at this point that the relationship between field representatives of other agencies and the chief of diplomatic missions becomes important. Consequently, the State Department has insisted that, whatever the agreements between the Department and the war agencies in Washington regarding policies and programs, the chief of the diplomatic mission, as representative of the President, must give general supervision to the work of all other agency representatives. Some of the agencies have been more reluctant than others to acquiesce. They have sometimes argued that the job they were set up to do required the kind of technical or business judgments which many chiefs of mission and foreign service officers lacked and did not understand. Moreover, they have claimed that frequently differences in wholly technical judgments between the Department's and other agency field representatives have been decided arbitrarily by chiefs of diplomatic missions allegedly on diplomatic grounds. In some instances, the agencies have asserted that Foreign Service officers lacked the vision necessary to understand the real nature of their programs.

³ In October, 1943, more than 30 agencies and departments of the government had representatives abroad.

IV. BASIC ISSUES IN POST-WAR ADMINISTRATION
OF FOREIGN RELATIONS

Looked at on a day-to-day basis, the wartime troubles which arose in administering foreign policy were inter-agency struggles over jurisdiction. Each agency could and did raise honest questions about the intended division of responsibilities. How, the agencies asked, could they be responsible to the President if their programs, personnel, communications, and actual field operations were under the direct control of the Secretary of State? Apart from jurisdictional problems, political considerations, personal attitudes, and perhaps "ideologies," were contributing factors to inter-agency disputes.

However, this wartime search for definitions was but a phase in a longer-range, and more fundamental, search for an administrative pattern which will permit the United States government to participate effectively in modern world affairs. As previously indicated, this government had not even before World War II arrived at a satisfactory organizational scheme. While many parts of the domestic governmental machinery were reorganized during the 1930's, the agencies concerned with foreign relations have never been properly geared.

The end of the war will automatically raise the question of the future of the emergency agencies (including their various corporations) in the foreign relations field. It should also bring a reconsideration of the international functions of the old line agencies like Commerce and Agriculture (and of the independent regulatory boards like the Civil Aeronautics Board) that have had a less active rôle during the war. The central issue will be the rôle of the State Department in a world in which the activities of so-called domestic agencies (Labor, Agriculture, Interior, etc.) impinge upon international relations and in which every international event affects domestic affairs for which some agency other than the State Department is responsible.

In seeking a definition of the rôle of the Department of State, four possible patterns of organizing our foreign activities have been suggested. A review of the proposals will indicate the broad issues involved.

(1) *All foreign activities should be centralized in the State Department and the functions of other agencies in this field eliminated.* This plan would require the Department to expand its activities in keeping with the ever-widening scope of foreign relations. It would mean a very substantial increase in Departmental personnel and in the regular Foreign Service to insure adequate technical reporting and competent negotiating with representatives of other countries. It also would probably mean full control by the Department over all representatives of the government abroad, and therefore would go considerably beyond the Reorganization Plan No. II of 1939 regarding agricultural and commercial attachés.

Proponents of this plan not only would give to the State Department the functions of FEA, CIAA, CWI, and OSS, but would also turn over those branches of the Departments of Commerce and Agriculture and other agencies engaged in foreign activities. (None has suggested that corresponding parts of Army and Navy be likewise absorbed.) Such a move, it is argued, would wipe out at a single stroke duplication, overlapping, and interagency bickering, and would assure a unified foreign policy under the control of the President and the Secretary of State. Organizationally, the result would be a greatly expanded Department, with vast responsibilities in the political, informational, cultural, and economic fields.

While possibly doing away with duplication in one respect, such a solution would force the State Department to develop extensive technical operating staffs in areas like trade, finance, labor, agriculture, etc., where the individual agencies with their vast technical resources must continue to operate to carry out domestic responsibilities. In an interdependent world, the line between domestic and foreign aspects of these subjects is so hazy that great duplication would be inevitable. While such a plan would, therefore, do away with inter-agency conflicts within the area of foreign relations, it would lead to other conflicts in drawing the line between "foreign" and "domestic" activities and policies. Moreover, it is likely that the policy-making function would be in danger of being smothered both by the sheer size of the Department and by the lack of competition from other agencies. An incidental drawback to such a concentration of responsibility in the State Department would be the inability to divorce negotiations of high political character from intelligence activities and technical negotiations, including trade promotion, financial transactions, industrial development abroad, health and sanitation, and cultural programs.

(2) *The State Department should be limited in functions mainly to high policy planning and negotiations.* This concept obviously involves decentralization in as extreme a form as plan (1) suggests centralization. It would leave most day-to-day foreign relations to the technical departments of the government, dealing directly with their opposites abroad. The competence of the Department of State would be limited here mainly to the art of diplomacy and would not extend to technical subjects. Every other department would select its own staff for service abroad as well as its representatives to international functional organizations.

It is recognized by proponents of this approach that there must be coordination in foreign affairs to the extent of insuring consistency. It is believed, however, that such consistency can be assured by occasional definitions of broad policy by the State Department, leaving their specific application to competent technicians. Moreover, it is argued, this plan would serve to remove the important substance of international affairs—

things like commerce, investments, health, traffic in drugs, etc.—from the power politics manipulations of foreign offices bent merely on advancing the national state. Technical experts of all countries would meet as technical experts, and not as representatives of national states, to devise means of meeting world-wide technical problems.

Moreover, some people, in arguing for this division of labor, insist that it is undesirable for high political reasons for the State Department to become actively involved in such technical operations as the dissemination of propaganda abroad, the purchase of strategic materials, etc. Whether or not this premise would hold in peace-time, it has no doubt been true during the present war. As one war agency official declared in a public meeting, "Our operations are often nothing more or less than bloody higgling in the market place, and the State Department cannot afford to jeopardize its good relations with the diplomatic authorities of other countries by quarreling about the price of certain commodities." It is convenient, at times, to be able to lay the blame for such activities at the door of another agency!

While maximizing the importance of technical competence, such an approach fails to take real account of the national organization of the world. The national basis for organizing public services will remain in the years immediately ahead, and negotiations for their improvement through international organizations will continue on a national basis. *Inter-national* organizations will be only what their name implies. There will remain, therefore, need for the closest possible coordination and national planning in the realm of foreign affairs in the interests of the United States.

(3) *The division of responsibility prevailing before the war should be continued.* Under this proposal, the State Department would be responsible for the formulation and administration of foreign relations, but, when appropriate, would consult with other agencies through various liaison arrangements including interdepartmental committees. The primacy of the Department in foreign relations would be here unquestioned. It would formulate foreign policies and administer them through the Foreign Service. Interdepartmental policy determination would be the exception, and would take place ordinarily at the wish of the Department or when required by legislation. The present administrative arrangements regarding the Foreign Service under the Reorganization of 1939 would remain.

(4) *The formulation and administration of foreign policy should be recognized as government-wide responsibilities.* The special rôle of the State Department under this plan would be to see that there are foreign policies for the United States, that these policies are consistent and coherent, and that they are properly applied. The Department would also have the special task of administering the foreign service of the United States and of gearing special field missions into regular missions abroad.

This alternative would present many of the problems of coördinating responsibility which were unsuccessfully faced both before and during the war in the multiple-agency conduct of foreign relations. If this approach were deliberately chosen, it would be based on the assumption that foreign policy, much more in the future than in the past, is to be the product of interdepartmental consultation. Because it involves the most practical alternative to the pre-war pattern, it is examined here with greater care than the other proposals previously mentioned.

In the past, the President, as chief of state in the conduct of foreign relations, has relied principally on the Secretary of State for the formulation and execution of foreign policies. An interdepartmental approach would involve reliance upon the composite judgments of the heads of several agencies under the active leadership of the State Department. It would mean a recognition of the government-wide incidence of foreign affairs. This would mean a change of thinking regarding the nature of the primacy of the Department of State in matters of foreign relations. While the Secretary of State would direct foreign policy formulation, and would supervise our foreign activities in order to assure unity in both policy and action, the other agencies concerned would have to be geared much more closely into the entire foreign relations process. To effect this greater coördination would entail the highest administrative skills.

It has been suggested that the needed coördination can best be achieved through the cabinet, sitting as policy adviser to the President. However, there is nothing in the history of the cabinet to suggest that foreign policies could be satisfactorily formulated in this body, given the manner of selecting cabinets and the relations between cabinet members and the President. Under our constitution, they are not collectively responsible to anyone or for anything in particular.

Even were there collegial responsibility at the top, interdepartmental collaboration in foreign policy formulation would require a network of cross channels to insure a free flow of intelligence materials and the results of research between the various departments concerned, and to make possible technical interdepartmental collaboration in the formulation of policies. In part for want of adequate planning agencies in the government, and in part because of the way in which government operates in this country, foreign policies, like any other policies, are not made at the top. They are an institutional product rather than orders issued from above. They are submitted in a hundred different ways through staff decisions and recommendations, to be tacitly or explicitly approved or disapproved. Many policies become accepted in practice merely through failure of so-called "top-side policy officials" to object to a given course of action. Of course, the broadest policy lines are frequently laid down by directive, or, more often, by implication, or by the known preferences of responsible

officials; but most of the alternative applications of policy (which therefore give meaning to policy) are made from the bottom up. If there is to be interdepartmental participation in foreign affairs, it must come at working levels below the cabinet.

The Committee on Trade Agreements, under the chairmanship of the Department of State, for example, brought together representatives of all interested agencies and produced for the President the substance for the agreements Congress had authorized him to conclude. Similarly, the Executive Committee for Economic Foreign Policy promises to be an exceptionally successful interdepartmental device, at a working level, for the formulation of economic foreign policies for the approval of the Secretary of State and the President.

Government-wide participation in the conduct of foreign relations would raise certain questions regarding their administration. The Foreign Service under the direction of ministers and ambassadors appointed by the President would much more generally be recognized as the foreign field service of the entire United States government. It would certainly become the object of much greater concern by many more agencies. While the State Department would continue to provide central direction for the Service as now, many agencies would be concerned that sound methods were used in finding, selecting, directing, and promoting the personnel and in making transfers between the field and Washington.

The regular activities of the Foreign Service, such as looking after the interests of American citizens, representing the United States in general negotiations and discussions with foreign governments, and regular reporting of economic, political, and cultural affairs, would need to be supplemented by the activities of special technical missions. The latter presumably would be under more direct instructions of the technical departments than are the commercial and agricultural attachés. They would be selected by the departments, subject, of course, to clearance by the State Department. While these technicians would be under the general supervision of the chief of diplomatic missions, they would be granted wide latitude in collaborating with members of technical departments in other governments.

Necessarily, under such a plan, the Department of State would have central responsibility for the international conferences which are a device for carrying on multilateral negotiations. The special function of the Department would be to decide, in consultation with other agencies, when conferences were to be held, to make certain that United States policy had been determined in advance of the conference, to see that appropriate generalists and technicians were represented on the United States delegation, and, in most instances, to provide the chairmen for such delegations.

Such a plan for organizing our foreign relations would tremendously increase in quality the responsibilities and functions vested in the Department of State. It would call for leadership of a very high order and for a staff competent both in international and domestic political relations. To lead, to guide, to assist—all this tactfully but firmly—requires exceptional qualities, including that rare quality of being able to resist the temptation of doing for others jobs they can do better themselves. The proper performance of this task requires also an appreciation of the different kinds of advice that should appropriately be given at different administrative levels. For example, the broadest type of policy supervision should not be attempted at low levels where clearances of a minor and routine character are involved. Finally, it would permit the Department to use much more fully the special competence for which its staff is selected: understanding of the broad principles of international relations and diplomacy. The other agencies are primarily concerned with, and exposed to, the domestic front. In the State Department, with its special knowledge of international affairs, must reside the task of watching the international implications of both our foreign and our domestic policies.

The rôle of the State Department, implicit under this alternative, as coördinator of policies and administrator of the foreign service would probably call for some radical changes in departmental activities. Without detailed operating responsibility, the Department could and would have to devote more of its time to the research and planning essential for providing leadership to the entire government on the objectives and long-range policy of our foreign relations. Information now almost exclusively reserved to the staff of the State Department on grounds of secrecy would need to be disseminated among many agencies. Administrative procedures, geared for the use of one department and of persons accustomed to working together within it, would need to be streamlined to insure service to others outside the Department now equally interested and responsibly concerned. Above all, greater interdepartmental formulation and administration of foreign policy would call for a high degree of team-work among the agencies and much greater recognition that all personnel works for the government of the United States and not merely for specific departments or persons.

The foregoing are but the broadest implications of the main alternatives which seem to lie before us. As already indicated, the choice probably will be made between plans 3 and 4. Even between these two alternatives, it is unlikely that either, in the simple form in which it is outlined, will be adopted. The choice is between directions of administrative organization rather than between blueprints or patterns. Inevitable adjustments have

to be made in any organization to allow for traditions, personalities, leadership and, in broader terms, for politics. But it is important that the ultimate direction be kept in mind, since the premises underlying each are administratively quite different.⁴

V. CONCLUDING COMMENTS

The extent to which any of these alternatives will be selected for determining the rôle of the State Department will depend also upon the character of world relations in the post-war period. If the world of tomorrow is a world of pure power politics, with sovereign states bargaining and maneuvering for power in a dog-eat-dog fashion, then a highly centralized administration for the conduct of our foreign affairs might meet the needs of the hour. If, on the other hand, the community of nations is able to attain a modicum of security and stability, peaceful relations among nations would probably be furthered more if technical matters were handled by the agencies directly concerned, under the coordinating leadership of foreign offices. For the more the settlement of such problems falls to the immediate jurisdiction of political foreign offices, the more they tend to become involved in considerations of national honor and prestige and are used to further the over-all bargaining power of the state. When that happens, human advancement may be sacrificed at the altar of power politics.

The problem of streamlining the national government for effective action in world affairs is the direct result of the revolutionary changes that have been taking place in international relations. It is by no means, therefore, peculiar to the United States. In Russia, the Supreme Soviet recently granted the sixteen republics of the U.S.S.R. the right to deal directly with other countries. In Great Britain, too, numerous proposals to reshape the Foreign Office have been advanced from both governmental and private sources. And in other countries the issue is becoming equally clear; foreign offices highly specialized in the diplomatic techniques of a by-gone era must be fitted with new methods and new men in order to meet the new problems that confront them. The success of the peace we establish after the war will depend in large measure upon how well the various states are organized to carry on the complicated relations of the international community.

⁴ Any plan which contemplates the exercise of leadership by the State Department assumes, of course, that the Department is organized to play the rôle effectively. Cf. W. H. C. Laves and F. O. Wilcox, "The Reorganization of the Department of State," in this REVIEW, XXXVIII, 289-301 (Apr., 1944).

II. AMERICAN FOREIGN RELATIONS WITHIN AN ORGANIZED WORLD FRAMEWORK

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I. THE NEW CONTEXT OF POLICY

Absorbed for three years in the grim business of global war, the American people only dimly understand what is involved in their apparent willingness to participate in the equally exacting business of organizing the world for enduring peace. If this participation is to be sustained and effective instead of short-lived or sporadic, the scope and forms of the future foreign policy of the United States cannot help being profoundly affected. Its context will be radically different from that of prewar times.

This observation does not imply any sharp departure from the fundamental postulates of policy enunciated year in and year out by Secretary Hull since 1933. The foreign policy of every great power is always more or less a continuum, compounded of old and new elements. Between wars we at least paid lip service to the ideal of a world organized for peace and security, though we persistently declined to assume the obligations of full membership in the League of Nations. We have for decades sponsored the development of a loose collaborative system designed to further Pan-American solidarity. At the world level, moreover, we have been an active participant in international agencies concerned with technical, scientific, social, and humanitarian matters, including, since 1934, the International Labor Organization. And in 1928 we joined with sixty-two other signatories of the Pact of Paris in renouncing "war as an instrument of national policy."

Yet none of these engagements committed us in advance to employ our economic or military resources for the prevention of aggression. We refused to adhere to the Statute of the Permanent Court of International Justice, even minus the so-called "optional" clause. Still less was this country prepared to subject its trade, currency, investment, or agricultural policies to criticism, or advice, or recommendation, let alone regulation, by international institutions which it might have sponsored for these purposes. Such policies fell within the domain of "domestic questions." Contrast, for example, the narrowly conceived economic provisions of Wilson's Fourteen Points with the far-reaching social objectives of the Atlantic Charter. "Freedom from want" and "full employment," which today are recognized to be of international as well as national concern, reflect the impact of prolonged world depression and total war upon the shifting line dividing domestic and international responsibility. To quote from President Roosevelt's address to the delegates in the 1941 International Labor Conference: "We have learned too well that social problems

and economic problems are not separate water-tight compartments in the international any more than in the national sphere. In international affairs, economic policy can no longer be an end in itself. It is merely a means for achieving social objectives."

If the United States boldly accepts the responsibilities of great-power leadership for the advancement of these new objectives, the context of international action will, for this country perhaps more than for any other, widen and deepen, while the area within which it will be free to act alone will be correspondingly circumscribed. We may not in a legal sense delegate coercive powers to any supra-national authority, but we shall none the less be obliged, morally and politically, to give heed to the repercussions of our national policy upon other peoples. We shall be forced to adopt the habit of consulting *regularly* with the family of nations on many problems formerly left to the precarious treatment of ordinary diplomacy, when indeed they were not handled exclusively on our own account. Certain practices, hitherto regarded as part and parcel of the prerogatives of statehood, may not be indulged in short of violating our national good faith, or of risking to undermine the very foundations of the new peace structure. Our national pride, if nothing else, should impel us to contrive methods whereby our contribution to the work of the new international machinery may be commensurate with our unmatched human and material resources.

II. THE AMBIT OF A COÖPERATIVE WORLD POLICY

(1) *Organized Security in Lieu of War and Neutrality.* If, in agreement with the other United Nations, we succeed in establishing the type of general international organization envisaged by the Moscow Declaration and the Connally Resolution, what traditional practices shall we have to modify or abandon in order to play our proper part in making such an organization work? Secondly, what new responsibilities will devolve upon the United States?

While the precise contours of the projected security system had not been revealed at the time these lines were written, shortly after the opening of the Dumbarton Oaks Conference, it is obvious that every member of the security organization must surrender the legal right to declare and wage war unilaterally. No member state may with impunity resort to force or the threat of force in its relations with other states *except* when it is so authorized by and on behalf of the organized international community. As a matter of broad principle, the United States has been committed to this proposition ever since it ratified the Pact of Paris. But the proposition, tragically enough, lacked any workable means of enforcement. When we become a party to an instrument which creates a general security system based upon the coöperative use of force, we shall in effect be announc-

ing to the world that the constitutional power of the American Congress to declare war has been superseded by the security provisions of this instrument. Measures taken in our own defense, against unauthorized attack, will of course still be permissible, but we shall have to refrain from acting as exclusive judge of the conditions under which we may use armed force in any other circumstances or for any other object.

A logical and necessary corollary of this will be the abandonment of the dogma of neutrality. Any threat to peace, no matter in what part of the world it may occur, will be the concern of the entire community of states. Contrary to popular impression, this does not mean that the United States will be called upon to contribute to the international force required to prevent armed conflict every time and every place it may be threatened. In the case of disturbances involving minor powers located outside our primary strategic orbit (i.e., the Western Hemisphere and its oceanic outposts), the responsibility for initiating police measures will presumably be assigned by the security organization to one or more of the other principal military (and possibly lesser) powers—unless, as now seems unlikely, a permanent internationalized force for police duty should be created as part of the apparatus of world security. In any event, we shall not in the future be able to indulge in the kind of “legislative neutrality” that marked our futile course from 1935 to 1940. Unilaterally imposed “arms embargoes” will make no sense in a universal peace enforcement system.

On the other hand, we cannot refuse to comply with such recommendations for the concerted application of economic pressure against an aggressor as may be decided upon in given situations. Whether this method of dealing with aggression, taken alone, can ever be efficacious has been the subject of debate ever since the Italo-Ethiopian conflict. Experience to date with economic sanctions would appear to be inconclusive. It may well be that such action, when directed against a state of secondary industrial strength and supported by all of its suppliers of war materials, will prove a sufficient deterrent. The point is that the United States, as the world's most important producer of industrial goods, must go along with the rest of the international community whenever the latter decides to impose economic penalties in order to compel compliance with the law of peace—notwithstanding pressures to continue profitable trade relations, or to import essential raw materials, which may be exerted by organized economic groups or sectional interests within this country. There must be no repetition of the equivocal policy we pursued during the Ethiopian business. Accordingly, the authority of Congress “to regulate commerce with foreign nations” will in effect be measurably curtailed by reason of our world security commitments.

Thus far we have been considering the *negative* phases of the problem of peace enforcement. On the *positive* side, our new commitments will en-

tail a number of new obligations. It may be taken for granted that the general international organization will include, in President Roosevelt's words, "an international court of justice to deal primarily with justifiable disputes." Whether this will be the existing World Court or some newly created tribunal is immaterial. This country can no longer consistently refuse to accept the jurisdiction of any court eventually agreed upon by the United Nations. It may be presumed that the statute of such a court will pledge the member states to allow it to adjudicate all disputes of a *legal* character which, by joint consent of the parties concerned, are not adjusted through other means. The court's jurisdiction must not be "optional," but compulsory for all, and the United States must be bound thereby in the same manner and degree as the other members of the family of nations. Nor can this country again insist upon the right to veto requests for advisory opinions from the court which may be made by the political organs of the new world system.

The logic of the new situation will also require us, in principle at least, to recognize the right of the world organization to take cognizance of *any* international dispute in which we may be directly or indirectly involved. It may be that the world organization will devolve upon an appropriate inter-American body the authority to deal with *political* controversies arising exclusively out of the relations of the American republics. But if the efforts of the inter-American system should fail to effect a peaceful settlement, the world organization must possess residual authority to intervene, whether we like it or not. To deny this right would be to encourage the recurrence of the kind of situation that developed during the Chaco affair, when the parties in conflict managed for years to play off League and Pan American agencies one against the other. The jurisdiction of the over-all security organization must, in the event of any major danger to the security of any nation, be able to override that of any subsidiary regional system.

In his statement of June 15 last, President Roosevelt said: "We are seeking effective agreement and arrangements through which the nations would maintain, according to their capacities, adequate forces to meet the needs of preventing war and of making impossible deliberate preparation for war, and to have such forces available for joint action when necessary." It is not clear from the President's declaration whether he had in mind a multilateral agreement binding the signatory powers to maintain armaments within prescribed *minimum* as well as *maximum* limits. It may not be possible, or for that matter desirable, to negotiate any such agreement until the postwar world has recovered political stability. There should be no difficulty, when the time comes, in winning the support of the American people for an arms regulation convention, provided its emphasis is on the maintenance of a naval and air force which will enable

us not only to defend our own shores, but to carry our proportionate share of the burden of world policing. Such technical obstacles as may prove troublesome can be overcome if the three principal victor powers remain united in their determination to prevent another major war. Here again, the obligation of Congress "to raise and support armies" and "to provide and maintain a navy," while remaining constitutionally unaltered, will have to be exercised within the substantive limitations imposed by the international arms control agreement.

If international inspection is provided for by this instrument, the United States obviously cannot ask for exemption from its application to our own arms plants and military installations. There will probably be an intermediate period, between the end of the war and world political reconstruction, when inspection will be applied only to the ex-enemy countries. During this period, the victor powers will have learned much as to methods of discovering evidence of industrial activity susceptible of conversion to munitions of war. When the time comes to generalize inspection the world over, this country must expect to be treated like any other military power. We cannot have our cake and eat it too.

In the new international code there will be another principle, still more novel for us when not at war, which we shall have to observe. From time to time, a portion of our national forces may be subject to disposition and control by some sort of continuing international "combined chiefs of staff" machinery. The degree of such control will vary with the gravity of any given threat to world peace. Contrary to what is implied by the 1944 Republican platform, our military commitments can no longer be "determined by Congress" alone. If we enter a world-wide "coöperative organization . . . to prevent military aggression," the President must be authorized to place at its disposal such naval and/or air strength as may be necessary to ensure the safety of the law-abiding members of the world community against any danger serious enough to require our aid, be it in Europe, the Near or Middle East, or Asia. Unless we are prepared to act with dispatch in time of crisis, our contribution to the enforcement of peace will be worth little and the associated powers will soon lose confidence in the sincerity of our intentions. Fortunately, the present conflict has accustomed us to having American forces under theatre commanders, some of them non-Americans, selected by inter-governmental agreement. This inter-Allied machinery has functioned so smoothly that it is not likely that the American public, or Congress, will hesitate to accept such joint staff-planning and command arrangements as the new security organization may evolve to meet specific situations. American staff officers and technicians will obviously play a decisive part in determining the strategy to be followed, in apportioning national quotas, and in assigning field commanders.

The solution of the complicated question of security bases is closely related to the larger question whether any permanent police force, supranational in composition, can be created. Should such a force come into being, the internationalization of certain strategic air and/or naval bases would logically follow. But if policing arrangements are to depend upon the coöperative employment of national contingents, to be provided chiefly by the principal powers, they will no doubt retain control of their own bases. Accordingly, the United States, while administering and garrisoning all bases within its territorial jurisdiction, may be expected to make them available to other national forces acting for the security organization. A precedent for such an arrangement already exists in respect of the bases leased from Great Britain in 1940, which were then declared to be open to use by all other states in this hemisphere.

The foregoing analysis assumes that the creation of a fully internationalized police force, while theoretically desirable, is now outside the range of political practicability. The control, supply, financing, and operation of any such force strong enough to check the aggressive designs of a major state would call for an international authority with far greater powers than this country, or Britain, or Russia, is likely to stand for. Indeed, the organization would then assume the complexion of a super-state. The most we are likely to get in this regard will be a small force, consisting chiefly of air units, to engage in warning demonstrations or holding operations until national contingents can, if necessary, be brought into action. If this type of internationalized force were to be established, our participation would probably be confined to air squadrons recruited on a volunteer basis for short terms of service. Out of the millions who will have served in our Army and Navy air corps during this war, there may be a considerable nucleus of trained men so wedded to aviation that they will be eager, for a time at least, to offer themselves for international air police work. American military contingents may, of course, be detailed to exercise surveillance over Germany and Japan by special agreement of the victor powers or, later on, under the control of the general security organization. It would be surprising indeed if the American people were to object to this type of assignment.

As one of the powers permanently represented on the executive council of the security organization, the United States will be in a position to veto decisions to use force in restraint of aggression. It is unthinkable that, so long as military strength is so overwhelmingly concentrated in the Soviet Union, Great Britain, and ourselves, we would consent to any arrangement to be bound by a recommendation of the council when our representative, on instructions from the Executive, found it necessary to dissent therefrom. No collective security system can hope to work during the years that lie immediately ahead unless the Big Three act in unison on all *major* threats to world peace. If they split apart, the whole sys-

tem will break down. At best, the world will then revert to a new balance of power situation, with the maintenance of peace a precarious thing indeed; at worst, another conflict on an inter-continental scale may be anticipated. However, there may occasionally be *minor* disturbances, not involving any direct American interest and geographically remote from this hemisphere, when our representative on the world council will prefer to refrain from voting, thus allowing the other powers to take the onus for whatever is done. Even so, our government will be bound to do nothing calculated to impede the execution of such military or economic measures as the council might set in motion.

(2) *Economic and Financial Institutions.* The impact upon American foreign policy of postwar international institutions in the economic and financial field is less easy to predict than are the effects of world security organization. Such institutions will presumably be multiple in character, with varying forms and objectives. Some of them cannot be worked out until the tasks of immediate rehabilitation and reconstruction are well along toward completion. These tasks, moreover, will proceed at different tempos in different parts of the world, dependent upon the rate of liberation from enemy occupation. Improvised arrangements, more or less temporary in nature, will be necessary. Other undertakings based upon formalized international agreement, like the United Nations Relief and Rehabilitation Administration, are likely to give way, bit by bit, to such permanent institutions as the projected Food and Agriculture Organization of the United Nations and the International Bank for Reconstruction and Development planned at Bretton Woods.

The United States will have a direct and special responsibility for seeing to it that the new economic machinery produces tangible results. In large part, the initiative for the creation of this machinery is coming from Washington. In large part, also, the pattern it eventually assumes will have been due to our decisive position in the give-and-take of negotiation. Declarations of United Nations policy inspired mainly by us, e.g., the Atlantic Charter and the Philadelphia Declaration of the International Labor Organization, have already set the broad objectives of postwar economic and social welfare collaboration. These objectives may be summarized as (1) the world-wide prevention of unemployment and (2) the progressive improvement of standards of living for the world's peoples.

Clearly, our own rôle in these undertakings will not be productive unless, in shaping *national* policies, we pay far more regard to their international consequences than was the case before the war. This point is most strikingly illustrated by reference to the tariff. The establishment of an "international trade commission," along the lines recently advocated by Professor Percy W. Bidwell,¹ would put to the test our professed

¹ See his closely reasoned article, "A Postwar Commercial Policy for the United States," *American Economic Review*, Mar., 1944.

desire for a world-wide reduction of tariff rates. While it would be too much to expect this country to confer upon such an agency the power to control our national tariff legislation, it might be authorized to examine pending changes in rates with a view to determining their probable effect upon world trade, each member nation undertaking not to enact the new rates until after full and careful consideration of the findings of the international body. By way of implementing this procedure, Congress, the State Department, and the Tariff Commission might arrange for direct consultation by American tariff experts with the staff of the international agency prior to final congressional action. With proper publicity and time for reflection, it is possible that the effect upon the behavior of our national legislature would be salutary. At first, the powers of the international commission would probably be technical and advisory only, but in the course of time it might acquire additional functions, such as the administration of multilateral trade agreements and the supervision of international cartels and commodity control arrangements.

International plans for currency stabilization and the gradual abolition of exchange restrictions are further advanced than plans for the direct stimulation of world trade. As the largest contributor to the proposed International Monetary Fund, this country will hold the key to its success or failure. Irrespective of whether the Fund is eventually given *direct* control over exchange rates and foreign exchange transactions, American monetary policy can no longer be exclusively determined by national fiat. Future "devaluations" of the dollar, for example, will henceforth be a matter for agreement after consultation with other states.

Similarly, if an International Bank for Reconstruction and Development is established, the flow of American capital abroad will be subject to conditions fixed by international agreement. While the primary purpose of such a Bank will be to facilitate loans for developmental projects in devastated and backward areas, it cannot help influencing the whole trend of international investment, private as well as governmental. Accordingly, American investment policy, provided our government strongly lends its support to the Bank's operations, can no longer be guided, as it was in the wild 1920's, either by the lure of speculative profit or by special diplomatic *desiderata*, but with a view to the maximum utilization of the world's resources for the widest possible good.

Space permits only passing reference to other forms of international regulatory machinery which will probably become operative after the war. Informal discussions have long been under way in Washington looking toward an agreement with other countries concerned as to suitable postwar controls over oceanic shipping, international commercial aviation, international cartels, and the development and utilization of the world's oil supply. In all these undertakings, the legitimate national

interest of the United States must be reconciled with the principle of fair treatment and equal opportunity for all if we are to contribute effectively to the building of a stable world economy.

(3) *Organization for Social Welfare.* No sharp line can be drawn between the institutions referred to above and such agencies as the I.L.O., the projected Food and Agriculture Organization, and an international health organization. The difference is one of emphasis and technique rather than of fundamental objective. The welfare of the individual is stressed more directly in the welfare type of agency than in the former. Also, the range of welfare functions extends to matters with which the constituent states of our federal system are directly concerned—labor legislation, social insurance, public health, housing, nutritional standards, rural education, and the like. This being so, the practical effect of recommendations for national action flowing from such international welfare agencies will depend, in our case, not only on steps the federal government may take, but also on its success in stimulating legislative and financial support for its program in the several states. The New Deal era has gone far toward the removal of constitutional and administrative obstacles to federal guidance in the social welfare field. However, should there be a sharp reaction toward “states’ rights” after the war, conflicts of jurisdiction may again plague us.

As a matter of fact, the primary rôle of the United States in world collaboration for human betterment has always been, and will no doubt continue to be, that of a catalytic and subsidizing influence. This country may not be in the vanguard of social progress on all counts, but its vast physical resources, its technical skills, and its humanitarian idealism should enable it after the war to exert progressive leadership toward the realization of the new “social mandate” of the I.L.O. Without strong leadership from us, this mandate may amount to but little more than a pious hope. It would be a token of the sincerity of our national purpose if we should proceed to ratify a substantial number of international labor conventions—after ten years in the I.L.O.!

Similarly, the development of the new Food and Agriculture Organization will depend in no small measure on the stimulus it receives from this country. Lacking such stimulus, the inspiring recommendations of the Hot Springs Conference may eventuate merely in another international bureau for *better* agricultural research and the compilation of *improved* statistical data on world crop production, food consumption, and the standards of rural life. It will be largely up to us to provide the technical assistance and financial resources necessary to enable the more backward countries to modernize their techniques of food production and distribution. The F.A.O. can serve as an effective mechanism through which to channel this activity—or not, largely as we choose. Under its

proposed constitution, it may go further and offer to member governments on its own initiative advice bearing upon a wide variety of matters within the range of its competence. With the U.N.F.A.O. obviously in mind, a distinguished New Zealand publicist recently observed: "In the performance of its advisory functions an international organization need [not] differentiate between large and powerful states, and those who are small or undeveloped. In the nature of things, weak states will be more in need of assistance, but strong states may be more in need of admonition."² Even the rich and proud United States can profitably take to heart this bit of wisdom from a citizen of a small but progressive country.

Equally wide opportunities will challenge us when the war-torn world starts rebuilding its cultural life. The United Nations Education Office, now apparently in process of establishment, can do much to aid this rebuilding—by facilitating student and teacher exchanges, disseminating new knowledge, and furthering international understanding, provided we fulfill our new responsibility as the chief repository of the world's science and technology. Without attempting to be Santa Claus to the entire globe, the American people can "help other peoples to help themselves." This they will continue to do, for it is in line with their national traditions. The real test will come over means and methods.

III. THE CONDUCT OF AMERICAN MEMBERSHIP IN INTERNATIONAL ORGANIZATION

Important steps are now being taken by the Administration to equip our State Department and Foreign Service so as to meet the expanding demands that our position in the postwar world will impose upon them. Not less attention will need to be given to the machinery, procedures, and personnel essential to the effective exercise of our obligations as an active participant in the work of international organization. Reference here is not merely to the desirability of abolishing the two-thirds rule on treaties or to the acute need of some continuing device to bridge the gap between the Executive and Congress in the formulation of basic policy commitments, whether by the creation of a joint Congressional-Administration advisory committee or by other means. Over and beyond such steps as these, Congress should overhaul its own slow-moving and creaking procedures as they will impinge upon the handling of our relations with world organization. Seven long months passed before Congress appropriated a cent to the United Nations Relief and Rehabilitation Administration. Meanwhile, U.N.R.R.A. was obliged to live off funds advanced by member governments far less rich than ours and responsible for a much smaller portion of its budget. If large parts of Europe had been liberated last spring, the new relief organization would have found itself woefully short

² Allan G. B. Fisher, "International Institutions in a World of Sovereign States," *Political Science Quarterly*, Mar., 1944.

lacking, and there is little prospect for the early development of the social unity and political stability necessary for the effective integration of such power elements as China does possess.

Thus, the postwar world will have but three first-rank powers. This is a greater concentration of power than has existed at any time since the rise of the modern state system. Moreover, these three states will have a near-monopoly of heavy armaments, and they alone will have the gigantic industrial machine capable of producing mechanized war implements and equipment on a scale of unprecedented magnitude. Technology also enables these states to apply impressive force speedily and over great distances—a fact amply demonstrated by the present war effort. This is relatively more true of the United States and Great Britain, with their emphasis upon sea and air power, than of the Soviet Union, whose military development necessarily has been focused upon the strategic problems of land warfare.

Furthermore, the United States and Great Britain will have at the end of the war two other assets of tangible security value to each. First, they will have a large number of naval and air bases scattered throughout the world. If these were maintained on any kind of collaborative basis, they would enable the two states to mobilize and apply concentrated force at distant points with a minimum of delay. Second, high military, naval, and air officers of the two countries will have had the valuable experience of working together in a single unified organization; and this will provide a backlog of experience which would enable these states, with a minimum of delay and friction, to organize and to use their forces concertedly in the future.

The same considerations which point to the unparalleled position of the greatest powers emphasize the declining military importance of the smaller and non-industrialized states. Since effective military power now rests to such an unprecedented degree upon the possession of vast supplies of an almost bewildering variety of heavy arms and equipment, it follows that the small state can no longer enjoy its former importance as a buffer, capable of holding off a more powerful opponent until the allies of the smaller state can come to its assistance. It cannot cope with the swift attack of fast mechanized equipment. The difference in the effectiveness of Belgian resistance to the German armies in 1914 and in 1940 provides a striking illustration of the fundamental change in the rôle of the smaller states. Now, more than ever before, they are at the mercy of their larger neighbors.

In addition to this general power-distribution framework for future American security planning, attention must be given to popular attitudes, because they have a determining influence on what is politically possible

has been able to make use of them in a war effort of incredible magnitude to meet a threat which an inadequate security policy failed to envisage or evaluate. This, however, is the sheerest kind of improvisation. It is apallingly expensive and wasteful, and it is unreliable, because it may not always insure a final victory. It is the negation of policy to rely fully upon this great power potential and to assume that it can be counted upon to provide all necessary protection in the event of a national emergency.

If the alternative is a carefully constructed security policy, an examination of this policy must begin with an analysis of power distribution in the post-Hitlerian world.¹ In prospect, the picture appears far different from that of 1919 when the last attempt at security planning was made. First of all, the position of Continental Europe will be radically different. It can be assumed that Germany will become militarily impotent, probably for a longer time than after 1919. For some time to come, both France and Italy will be in a lesser power status than that of the truly great powers. It is probable that Italy will never again be regarded as a great power, and it is possible that France will fail to regain front-rank stature. This doubt is warranted primarily because the tremendous industrial development of the United States and the Soviet Union has raised the level of full great-power status to a point which neither France nor Italy, with limited resources, can hope to equal. On the other hand, France, in particular, does possess certain strategic assets in her geographic position in Western Europe and in her overseas possessions; and these may to some extent offset her lack of industrial power.

If the foregoing assumptions are warranted, then Continental Europe, long the great-power center, will become a "low pressure" area between the great peripheral states of Britain and the Soviet Union. If these two states can maintain a policy of reasonable collaboration, and can avoid rivalry over the issue of Continental influence, the situation should favor the development of postwar security organized on an international basis. Anglo-Soviet competition for the extension of national influence over this weakened region would be a source of great danger, not only to general security but to the future security of the United States as well.

The defeat of Japan will mean that the United States, for a time at least, will be the only other state to share front-rank world power with Britain and the Soviet Union. While China has been included for special reasons as an equal with the "Big Three" in current negotiations, it is idle to anticipate that she will become a truly great power at any time in the near future. Industrial development, and probably potential, is

¹ The following section of this paper is adapted from a memorandum of mine entitled, "International Politics and International Policing," which was given restricted circulation by the Yale Institute of International Studies.

extension of Continental power to this hemisphere. Moreover, the Continental powers were absorbed in domestic and European problems to such an extent that their overseas expansionist activities, postponed until the latter part of the century, were of necessity directed toward areas, such as Africa and the Far East, where substantial gains could be envisaged without the employment of a major national effort. Consequently, even though under appropriate circumstances Britain might have refrained from interfering actively on our behalf, there were other factors which were not at all the result of a carefully planned American policy, but which operated to prevent any of the great powers other than Britain from considering an aggressive policy against us. Seldom has any great or near-great power enjoyed so fortunate a situation. On both of our long sea frontiers we were virtually free from danger, and our hemispheric neighbors were far too weak to challenge us even had they wished to do so.

Under these circumstances, it was not necessary for the United States to have a positive security policy based on any likelihood of attack by a great power; and accordingly we were free to denounce alliances, the maintenance of great military establishments, and all the other methods by which less fortunate states had to try to reënforce their national security. We could safely maintain only a second or third-rate navy, virtually no standing army, and the purely negative security policy of isolation and neutrality. Content to concentrate our energies upon the task of developing our great store-house of natural wealth at home, we paid little attention to the forces of change which were about to drive us out of our pleasant seclusion into the turmoil of every-day international life.

Our involvement in two major wars within a quarter-century is a striking evidence that our world of the past has disappeared and that disaster may attend any effort on our part to insist that it still exists. Obviously, the progress of technology is to blame. It has greatly weakened the effectiveness of sea power in its traditional form, because surface craft are now subjected to new dangers from the air and from submarines and mines. Also, states are less vulnerable to a sea blockade than in the days when science could not provide substitutes for so many imported raw materials essential to a war effort. Moreover, modern communications have given greater mobility to land transport—a factor of considerable military importance—and the airplane has caused geographic barriers and ocean distances to lose much of their traditional protective value.

Thus, effective power does not rest today upon a single specialized arm, as in the days of British sea supremacy, or upon geographic barriers, but upon the totality of power components—population, raw materials, an efficient industrial system, and the ability effectively to combine these factors for the support of national policy. Fortunately for the United States, it has these power elements in overwhelming abundance, and it

III. POSTWAR SECURITY FOR THE UNITED STATES

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I

Postwar American security planning will be realistic and adequate only to the extent that it is based upon a careful evaluation of the present and prospective relationship of the power position of the United States to that of the remainder of the world. In the past, it has been fashionable in this country to condemn power politics as something immoral, associated with the sinister contrivings of European diplomatists and not with the honest and above-board conduct of foreign relations by a democratic and peace-loving people. The term "power politics" has come to mean the cynical and ruthless use of power to advance national interests at the expense of others. But even though such a use—or abuse—of power is to be condemned, it does not follow that the power factor in international relations can be disregarded or even minimized. In practice, it will always be uppermost in the minds of statesmen, however much they say about the legal equality of all states, and the peoples of democratic countries need to be as fully aware of the constructive uses to which power may be put as to the misuse of which it is so freely susceptible.

While condemnation of power as a basis of policy has by no means disappeared from American thinking, there is a growing realization that we were able with impunity to minimize its importance in the past because of the existence of a particular set of circumstances which combined to provide us with adequate national security and which required little positive effort on our part. In other words, there is a new awareness of the fact that our favorable position with respect to security, which existed during the latter part of the nineteenth century and up to 1914, arose, not from moral superiority on our part or from the inherent excellence of our governmental system, but from other factors which had little or no relationship to these political or moral qualities.

Our favorable international position in the pre-1914 world does not require extended discussion or analysis. It was a time when the only important power centers of the globe were located in Western Europe. British naval predominance, based on an undisputed primacy in all European waters from Scandinavia to the Levant, was such that we were secure against any European attack unless Britain joined in a combination against us. It is not accurate to say that we enjoyed the consistent, if tacit, support of Britain *vis-à-vis* Europe during this entire period, but it is true that the preservation of Britain's balance-of-power policy with respect to the Continent would have been jeopardized by any important

amended so that such employees may suffer no loss of seniority or retirement rights. Although most of the staff officials of any public international agency should and will be on permanent tenure, some interflow of technical personnel between national and international service is eminently desirable.

In the second place, it is high time that our government took cognizance of the special obligations which devolve upon any country acting as "host" to international institutions. The administrative offices of some of the postwar agencies, particularly those handling economic and financial functions, will doubtless be located in the United States. As host to such bodies, we should be prepared to grant them inviolability of premises and archives, immunity from suit, and exemption from taxation, as well as appropriate diplomatic privileges and facilities for their professional staffs. Our record to date in this matter is nothing to be proud of. The Pan-American Union has for fifty years had its seat in Washington, but the United States government has thus far refused to grant diplomatic privileges and immunities to the officials of the Union. Unless Congress consents to amend our tax laws so as to place the staff personnel of American-based international agencies in the same category as the members of foreign diplomatic missions, practical difficulties will arise in connection with the adjustment of compensation rates for such personnel. One of the new United Nations organizations with headquarters in Washington has already run into serious complications as a result of an iron-clad, retroactive ruling by the Bureau of Internal Revenue relative to the income tax liability of the non-American staff of the organization. Exemption from customs and immigration restrictions will be equally necessary for international officials of alien nationality. If we are to serve as one of the "international capitals" of the postwar world, we shall be honor-bound to go at least as far as the Swiss and Canadian governments have gone in according facilities and immunities to the Secretariat of the League and the International Labor Office, respectively. Congress must be made to understand that the purpose of such immunities is not to create a privileged caste, but to facilitate the effective performance of international work. National participation in the organization of the world community calls for the observance of certain minimum international amenities.

IV. THE RÔLE OF PUBLIC EDUCATION

In the long run, we shall measure up to our grave responsibilities as a member of the organized world community only in so far as American public opinion comes to realize their full meaning and insists upon their sustained fulfilment. Formal commitments by the President and Congress will amount to little unless the people back up their elected representatives.

agencies that now have their headquarters in our national capital. In numerous instances, such administrators have been misfits without themselves realizing it. A sympathetic understanding and a wide knowledge of the national backgrounds of their foreign colleagues are often just as important as the mastery of administrative technique.

Fortunately, a small but growing group of enlightened officials in Washington are beginning to explore experimental devices which, when effectively implemented, may make the United States one of the principal training centers for the new international civil service. We shall have a large nucleus of experience in wartime international work to draw upon at the outset—thousands of men and women from the overseas staffs of the Office of Strategic Services, the Office of War Information, the Foreign Economic Administration, and the planning and field units of military government. The establishment of intensive training courses, after the war, for some of these "international war veterans" would aid in moulding them into excellent material for the staffs of civil international organizations. The federal government, private foundations, and leading American universities might well collaborate in providing facilities for a continuing training program, including field fellowships, designed to attract a constant flow of top-flight young men and women into international governmental service. Our revamped and expanded Foreign Service will constitute another source of supply for such work.

While the number of available posts is not likely to be large at any given time, such career opportunities as emerge—and they will increase with the years—should have a strong appeal for postwar youth seeking "new worlds to conquer." The expanding frontiers of world organization may kindle a new pioneering spirit in true American style. Not only will this new international service require high intelligence, integrity of character, technical and linguistic competence, and administrative drive, but it will also call for a genuinely international outlook. This has been aptly defined by a distinguished international civil servant as "an awareness made instinctive by habit of the needs, emotions, and prejudices of the peoples of differently circumstanced countries, as they are felt and expressed by the peoples concerned, accompanied by a capacity for weighing these frequently imponderable elements in a judicial manner before reaching any decision to which they are relevant."³ Quality, and not quantity, must be the watchword of any training program that attempts to meet this bill of particulars.

There are two other respects in which our government can contribute to the progress of the new international administration. In order to smooth the way for federal employees to accept limited-term appointments with international agencies, our civil service regulations should be

³ C. Wilfred Jenks, "Some Problems of an International Civil Service," *Public Administration Review*, Spring, 1943.

Desirable as may be the representation of various political and economic interest groups at such conferences, those high officials responsible for the choice of individual delegates might well give more careful attention to their caliber than now appears to be the practice. The reservoir of American talent for international negotiation is surely large enough to provide us with representatives that compare favorably in ability and knowledge with those of other great powers.

As we participate increasingly in the policy-making organs of international bodies over the years, the advantage of preserving as much continuity of representation as is consistent with the progression of American policy will become more and more important. This will be particularly true of those agencies concerned with technical and welfare functions. Shifts in party control of the Administration or Congress should not be accompanied by wholesale changes in the make-up of our delegations to the periodic meetings of the councils, boards, and commissions that control the functional machinery of the postwar international community. Adoption of this principle of "non-partisanship" will, however, require a good deal of education on the part of the managers of our national party system. It assumes the development of a steadily wider area of agreement as to the conduct of our relations with international agencies.

The United States will be expected, and must be prepared, to contribute generously, not only to the executive leadership of many of the new international institutions, but also to their administrative and technical staffs. Men of the caliber of a Winant, a Willkie, a Wallace, or a Welles will be in demand for the exercise of constructive statemanship in the emergent realm of world governance. It is to be hoped that such men will respond to the challenge and that the time will not be far off when the prestige value of directing an important international agency will, for American leaders, be at least equal to that of managing a great federal department.

Into the international civil service of tomorrow Americans will be in a position to inject certain techniques of public administrative management which this country has notably developed during the last two decades. Among such techniques are program-planning through the budget, the conditional grant-in-aid, in-service training procedures, and various types of testing for administrative talent. Even so, our influence for what we regard as "modernized" administration may be nullified if we assume that American practices are *ipso facto* more efficient than those of the British or Russian or French or other national groups. International administration calls for arrangements and procedures peculiar to its own special *milieu*. The Washington observer may already detect a tendency on the part of some of our self-styled professional experts to regard any good national administrator as suitable material for the United Nations

of funds. As it was, the failure of the United States to make available promptly a substantial part of its quota handicapped U.N.R.R.A. in arranging for the early procurement of certain types of relief supplies and equipment. Such behavior on the part of a government which had been the prime sponsor of the U.N.R.R.A. agreement is almost enough to make one despair of the democratic conduct of foreign affairs. Although in this case the blame should probably be shared by Congress and the Administration, one important reason for delay was the two-stage procedure which calls for the adoption of an "authorizing" resolution prior to any appropriation of funds. As a result of this procedure, the U.N.R.R.A. question was threshed over in four different committee hearings and debated four times on the floor of Congress.

Such an episode as this suggests a number of procedural improvements. If, during the years ahead, our financial support of international institutions is to be prompt and adequate, steps should be taken to consolidate their annual budgetary requests. This combined international budget, moreover, might well be submitted to Congress separately from that of the State Department with a special White House endorsement, particularly since the activities of many of the new international agencies will be of interest not only to the State Department, but to the Treasury, the War and Navy Departments, and numerous federal bureaus dealing with commercial, agricultural, labor, public health, and educational policies. In the second place, Congress should set up a joint committee of the two houses to consider our international budget. In addition, the President ought to be provided with a substantial revolving fund from which he could advance to international organizations in financial straits "payments on account," the fund to be replenished from subsequent congressional appropriations.

Our permanent participation in the representative organisms of international agencies will call also for the development of more satisfactory methods of selecting and instructing American delegates. Any one who has been privileged to view the operation of an important international conference from the vantage point of the secretariat cannot help sensing the vital importance of this. All too frequently the composition of our delegation to international conferences is not determined until a few days before the opening of the conference in question. Certain of the delegates, even some of their technical advisers, have little or no time to study the essential documentation or to receive adequate instructions. From personal observation, the writer knows of one situation in which an American delegate to an important United Nations conference took a particular position on a major policy question before a certain committee while another member of the delegation was vigorously supporting the opposite view in a second committee. If one may judge from reliable testimony, this is not an isolated instance.

in any democratic state. For one thing, there seems to be a greater acceptance than at any previous time of the view that peace can be assured only if it is backed by impressive force. In 1919, American thinking was still under the influence of the "free ride" which we had so long enjoyed in security matters. Consequently, there was a disposition to emphasize the influence of world opinion as a deterrent to aggression, and a tendency, shown by our attitude toward the League of Nations and by our army and navy policy, to deny the existence of any inherent relationship between the existence of force and the preservation of peace. Today, with the object lesson of our recent experiences in mind, it is scarcely surprising that there has been so little significant opposition to the Fulbright or Connally Resolutions, or to the Moscow Declaration, all of which emphasize the need to keep the peace through the establishment of some form of effective force. While the end of the war may bring about a recession from this view, the reversal is not likely to be as cataclysmic as in 1920. At the moment, at least, the principle of security through force seems firmly established.

A corollary is the new view that the greatest powers must assume security responsibilities which go some distance beyond a narrow conception of the limits of national interest. This, too, may not persist in the postwar period, particularly if great-power differences develop over the war settlements. But at the present time it seems clear that American opinion has moved significantly away from its prewar position. How far it has moved, and in what direction, are matters for conjecture, but as of the moment it appears that American opinion is remarkably sensitive to the responsibilities which flow from the new power position of the United States, provided security is to be organized on any international basis.

Another corollary is the current lack of interest in disarmament as a principal means of securing peace. The tendency to place emphasis upon some form of force has cast into temporary oblivion those who have argued so stoutly in the past that arms were in themselves a potent cause of international conflict. While there is little contention even today against the view that unrestricted competition in arms is prejudicial to the interests of peace, the speed of our own war effort has demonstrated that the acceptance of an arms-limitation agreement by a great industrialized state is not in itself a potent guarantee of future peace. Also, there is a realization of the fact that emphasis upon disarmament in the inter-war period helped to place the peacefully inclined states in a condition of apparent impotence which encouraged the Axis states to undertake their policies of aggression. It seems to be agreed, in other words, that armament competition is not so much a cause of war as a symptom of conditions which threaten to eventuate in war.

II

Given some of these considerations which seem to form a framework for policy, what is the trend of the prospective American security planning?

The commitments up to the present time have been given wide public discussion. In sum, they indicate that the United States believes that security, while safeguarded by appropriate national measures, must be reinforced through the creation of a new world organization which must succeed where the League of Nations failed. Open to initial or early membership by all peace-loving states, this organization is to be an agency for the collaboration of its members on a basis of "sovereign equality"—whatever that may mean. The new organization is not to be a superstate in the sense that its creation involves any serious or fundamental impairment of the sovereignty of its members. As envisaged in recent statements by President Roosevelt and Secretary Hull, it is to have a structure much like that of the League, namely, a general assembly, a small council, and an international court for the settlement of justiciable questions.

Understandably, security plans are still in a formative stage which must precede widespread public discussion. However, President Roosevelt has indicated that he does not favor the establishment of an international police force, by which, apparently, he means a truly internationalized force, permanently assembled, and subject only to the command of the international organization. Assistant Secretary Long, speaking before an American Federation of Labor forum, April 12, 1944, said specifically that "each of the major nations, and any other nations to be agreed upon, should accept special responsibility for maintaining adequate forces and for using such forces, on the basis of arrangements made in connection with the international organization, to prevent or suppress all disturbances of the peace."

This statement indicates that the favored principle is that of the joint use of contingents of national forces, to be made available for police service on the basis of a multilateral agreement. Whether these units would be detached temporarily from their parent forces on the basis of a decision taken at the time of crisis by the collaborating nations, or whether they would be earmarked in advance, is a technical matter which would not invalidate the general quota principle whatever the decision concerning it might be. The point is that units of national forces, collaborating under the general direction of the international organization, would be relied upon as the major device for the protection of peace.

Is such an arrangement practicable? Would it provide that sense of security which is so indispensable? Would it be acceptable to the American people?

Practicability is a political rather than a technical issue. If the major

powers maintain their political solidarity at a satisfactory level, they will control all the necessary military force, no matter how they determine the particular allocation of their responsibilities, to deal with any security threat which arises from a controversy among any of the lesser states. It is clear, however, that the international organization will not in itself dispose of sufficient power to cope effectively with any controversy among these major states. Nothing short of far-reaching national disarmament down to the level of internal policing needs, and the creation of a supra-national force of considerable size, would suffice for this great task. In view of the speed with which a disarmed industrial power can prepare itself for conflict, it is doubtful even if such a drastic solution could be relied upon. An international security organization, built upon the existing power distribution, can provide full security for smaller states, but only a very limited and qualified security for the major states themselves. To be sure, it would be of some benefit to a great power because of the aid which the organization could provide in case that power were attacked by another one of its giant colleagues; but the outcome still would be a major war. Hence, the conclusion that the practicability of any security arrangement based on the collaboration of units of great-power forces, assisted by those from some of the lesser states, is to be determined far more by the political factors conditioning that collaboration than by the technical devices adopted for its implementation.

The basic validity of this conclusion is not lessened by the fact that technical arrangements will have some influence upon the political aspects of a particular security problem. If these are such as to provide for the speedy and virtually automatic assemblage of forces, once the organization has reached its decision to take military action, there would be a greater likelihood of success than if the advance arrangements were imprecise, leaving loopholes by which a state could manage to avoid the assumption of an inconvenient security responsibility.

This raises an auxiliary question certain to be a focal point of discussion in the United States. If it be granted that security demands the speedy assemblage and use of forces designated for use in behalf of the international organization, then the setting in motion of these forces must be as nearly automatic as possible. In the United States, however, this would mean that the President must be able to dispatch the demanded units immediately upon receipt of the decision taken by the Council. Could this be done by the President, acting on the basis of his authority as commander-in-chief and chief executive, or would it be necessary in each case to withhold compliance until Congressional approval had been obtained? Would Congress be willing to waive any possible rights by a resolution authorizing the President to take the necessary steps without reference to the legislative arm of the government? This is a question of the utmost

importance, because if governments are impotent to act, when called upon, until a legislative battle has been fought on the home front, it is doubtful whether a security arrangement based on a national contingent principle would be an effective instrument for the preservation of international peace.

The regionalization of enforcement responsibility is another aspect of the problem which may provoke some controversy, especially in the United States. If a contingent system is to be assumed, it is probable that a relatively greater burden of enforcement responsibility would be assumed by the great power nearest the scene of operations, or which had special national interests involved. Thus, the United States would naturally assume the primary burden as an agency of international organization in dealing with most controversies arising in this hemisphere, and it is possible that we might not look with favor upon Russian or British participation in the settlement of a controversy in a region of such special strategic interest. A comparable situation might exist with respect to Russian policy toward American and British participation in the settlement of a controversy arising on her Eastern European borderlands.

For purposes of analysis, this problem can be reduced to fairly simple terms. Each of these three superpowers has a special interest in situations arising in those regions considered particularly important to its own national security. Each power can be expected to contribute more extensively to a solution of problems in these areas than in others which have a more remote relationship to national interests. Moreover, such a division of labor would be in the interest of speed and efficiency. It would be unreasonable, for example, to move men and planes from the United States to deal with a situation arising as a result of controversy between Rumania and Bulgaria, when the Soviet Union had an ample supply of forces and equipment near the scene.

On the other hand, any attempt to formalize such an allocation of primary responsibility along lines coinciding closely with the paramount national interests of the great powers would encounter much popular criticism. It would be said that the international organization was in substance little more than a façade behind which, and by means of which, a large part of the world had been divided conveniently into great-power spheres of interest and influence; and such a view, if widely held, might gravely prejudice the future of the whole security arrangement. It is arguable whether the self-denying provisions of the Moscow Declaration would suffice to dispel fears aroused by too much regionalization of responsibility.

Then there is the question of the rôle of the smaller states. American support for, and confidence in, the international organization undoubtedly

would be increased if it appeared that the smaller states were to have an active part in enforcement activity. As a political ideal, it is praiseworthy to say that all states, great and small, should join their strength, each providing whatever was within its capacity, in dealing with any would-be breaker of the peace. Actually, however, a moment's reflection indicates how difficult it would be to work out such an arrangement in practice. An agglomeration of minute quotas of troops from dozens of states would constitute the most inefficient type of fighting mechanism imaginable, and few military men would want the task of commanding such a motley force. The supply problem, too, would be well-nigh insuperable.

There are other ways, however, in which a smaller state could assist in a security-enforcement action. It could provide communication and transit facilities, foodstuffs, needed raw materials, and the like. Thus, the general principle of mutuality of effort could be satisfied by a carefully planned application of the principle of the division of labor. The essential thing is that though the great powers must collaborate closely enough to ensure efficiency of action, their policies must be so closely integrated with that of the international organization as to prevent undue alarm about great-power domination of the world. This is not a counsel of perfection; it is a basic necessity for general security.

III

Assuming that membership in such an organization will be a fundamental feature of American policy after the war, what will be the other aspects of our security planning?

First, the United States will undoubtedly need to maintain much greater military power in all categories—land, sea, and air—than in any previous peace-time period of its history. In the light of the preceding discussion, the reasons are obvious. The old conditions external to the United States which once had a protective value have now disappeared, or have been diminished to relative insignificance. Also, since we are now open to serious attack from a distant source, the consequence is that we shall have need for forces of our own to deal with any such threat as far from our shores as possible. Moreover, we shall have need of considerable forces to support our part in the security work of the international organization; for the surest way to deter aggression is to have available for immediate use a military force of impressive size and striking power.

At the end of the war, there will be strong sentiment in the United States in favor of maintaining a large navy and air force. The maximum size will apparently be determined by international agreement, and it is probable that we shall keep much closer to this agreed ceiling than we did with respect to the naval limitations set in the Washington Confer-

ence. The major problem for decision will be that of the size and structure of the Army. In particular, should we provide a huge backlog of trained soldiers by adopting the familiar European policy of universal military training? This was discussed at the end of the last war, but Congress turned a deaf ear to the wishes of the Army and Navy and decided in favor of a small professional army which should be capable of expansion in short order in case of need. This time, there will be greater pressure in favor of universal training, and the matter must be decided on the basis of anticipated needs rather than economy or sentiment.

Obviously, there will be no need for universal training in order to provide our necessary contingents for the police operations which the new international organization is to be prepared to conduct. A small professional army, created on the basis of voluntary enlistment, would suffice for this purpose. But it has been pointed out that the organization would not in itself be capable of preventing or repressing an attack by one of the great powers upon another. Consequently, the decision on universal training will necessarily be a reflection of our judgment concerning the possibility of becoming involved in this fashion. We shall have to decide whether the added sense of security which we would have by creating such a force would be offset by the additional insecurity which might result from what would be, in effect, a public profession of our fears of a great-power conflict. Conversely, would a decision not to adopt universal training be regarded generally as an earnest of our intentions to maintain political solidarity with our great neighbors, come what may? One thing is clear. Inter-great-power relations, while better than at any previous time, are not yet wholly on the basis of full confidence, and our adoption of a military policy which would only be interpreted as arising from a fear of great power conflict should be weighed with great care lest it have an adverse effect upon this one primal necessity for future peace.

Closely associated with this is the question of outlying bases. These have the dual purpose of protecting the approaches to the United States and of facilitating the application of American military power in policing operations abroad. In the Pacific, it appears to be taken for granted that the United States will retain some form of control over the former Japanese mandated islands. Official pronouncements also seem to anticipate the development, within the framework of the international organization, of some collaborative arrangements for the use of naval stations and air fields, to be concluded by the powers of that area under the leadership of the United States.

In the Atlantic, maximum security, viewed narrowly and nationally, would require control of both the north and south approaches to this hemisphere from Europe, as well as bases on or near the coast of that Conti-

nent. For obvious reasons, such a program would be hopelessly impracticable, and attempts in that direction would create doubts in other countries as to American motives *vis-à-vis* Europe. Consequently, American interests in European happenings could best be protected by a dual policy of close collaboration with Britain, viewed as a great strategic outpost, and of equally full collaboration in the work of the general international organization. Unwillingness on our part to accept any responsibilities in Europe would be a betrayal of our own best interests, because such a policy would encourage precisely the kind of excessive regionalization which, by dividing the world into spheres of interest, would pave the way for the only kind of conflict that could really be a major threat to our security.

In the long run, the United States cannot remain indifferent to political developments on the rimlands of Europe and Asia. While we have a general stake, as one of the "Big Three," in preventing the peace from being broken anywhere, we have a particular stake in keeping the coastal lands across the Atlantic and Pacific from falling into the hands of any single power. Only a bankrupt security policy would be satisfied with the building of great military power in this hemisphere while maintaining complete indifference to developments on the continents of Europe and Asia. The lessons of our involvement in two world wars cannot be so overlooked—at least not with impunity. Our interest in Europe and Asia, however, can be safeguarded and made to serve the highest considerations of national policy only if it is expressed through the instrumentality of the international organization, and if it is couched in general terms. Otherwise, the formation of other state *blocs* to counterweight the position of the United States would be invited.

These elements of policy—military strength, full participation in the work of the international organization, careful observation of political developments in Europe and Asia—can be blended into a unified security system only if there is a careful and constant attempt to study all of them in their relationship to each other. This will require much closer and more systematic collaboration between the State Department and the War and Navy Departments than has existed in the past. Through the mechanism of inter-departmental committees at policy-determining levels, supported by close liaison between the research offices where trends are followed and memoranda are prepared, some kind of skillful planning can be made to take the place of the hit-and-miss arrangements of the past. At best, security is a complicated thing; but its protection is the first responsibility of any government and the first concern of any Foreign Office. One thing, moreover, is clear. The days of indifference and improvisation have gone; the days of planned security are here.

IV. THE RÔLE OF CONGRESS AND PUBLIC OPINION IN FORMULATING FOREIGN POLICY

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There is a popular expectation in the United States that the peace settlement of the major United Nations will be as effectively and loyally executed by the United States as by Great Britain and Soviet Russia. This over-confidence of the American people in the prowess of their President is partly due to: (1) the successful conduct of the war, (2) the popular credence placed in the Chief Executive as national leader in time of war, (3) the immense personal prestige of President Roosevelt and his Secretary of State, Cordell Hull, and (4) the belief that, in case the November election should bring the Republican party into control of the White House, Governor Dewey would continue with vigor the Rooseveltian policy of full participation and leadership on the part of the United States.

A warning that the American Senate might shatter this peace settlement was sounded by Senators Arthur H. Vandenberg and Robert A. Taft and other somewhat isolation-minded Republicans in September, 1943, in the Mackinac Declaration.¹ The "constitutionalism" proposed by this declaration meant nothing else than that the peace settlement must be in the form of a treaty which would require the consent of two-thirds of the members of the American Senate. Senators Vandenberg and Taft controlled the resolutions committee of the Republican national convention in July, 1944, with the result that the Republican platform concluded its proposal regarding the peace settlement with the following pronouncement: "Pursuant to the Constitution of the United States, any treaty or agreement to attain such [international] aims made on behalf of the United States with any other nation or association of nations, shall be made only by and with the advice and consent of the Senate of the United States provided two-thirds of the Senators present concur."

Since the Big Four is expected to seek a peace settlement with far-reaching commitments for the maintenance of an effective international organization, the threat of the Republican senators means that such commitments must either be watered down sufficiently to please one-third of the most isolationist-minded of the American Senate or else they must face almost certain rejection by that body. Of course, it would be possible for the President to defy the Senate, to place the American commitments in the form of executive agreements, and to trust that public opinion would disregard the charges of the Senate minority that he had violated

¹ For the text of the Mackinac Declaration, see *Cong. Rec.*, Sept. 14, 1943, pp. 3499-3500.

the Constitution and assumed the rôle of dictator. Few presidents would relish this risk. In the event that public opinion supported the senatorial charges, the presidential position would be painful if not untenable.

I. THE LEGAL AND THE REAL TREATY-MAKING POWER

The Fathers of the Constitution provided that the President should have "power to make treaties by and with the advice and consent of the Senate provided two-thirds of the Senators present concur." This provision created an undemocratic procedure inasmuch as it ignored the House of Representatives in which the people of the United States are represented, and created a system which permits a minority in the upper chamber to thwart the will of the majority of the people in foreign relations. More than this, the Constitution obviously required the President to consult the Senate as an advisory body at every step of the negotiation of a treaty.

All that was the letter of the law. But evasions of the Constitution obliterated the letter of the law and created the reality. The first such evasion began in 1789, when the Senate repulsed the attempt of President Washington in person to seek the advice of the Senate on treaty-making, whereupon the President initiated the practice which has continued until today, namely, the complete negotiation of a treaty by the executive before presentation of it to the upper chamber.² Another evasion occurred in 1845, after the Senate, by a partisan vote, rejected the Calhoun treaty for the annexation of Texas. On this occasion, Congress, at the suggestion of President Tyler, brushed aside the Senate prerogative and annexed Texas by virtue of a joint resolution, passed by a simple majority in the House of Representatives and Senate.³ Similar evasion of the Constitution occurred in 1897, when the Democrats in the Senate blocked the ratification of a treaty negotiated by a Republican president for the annexation of Hawaii. Again, Congress accomplished by a joint resolution what could not be achieved under the treaty-making process.

On the basis of these evasions of the Constitution, frequently repeated, Dr. Wallace McClure has been able to construct a convincing argument for the substitution of executive agreements for treaties which require the Senate's consent for ratification.⁴ In much the same way, an eminent constitutional jurist, Professor Edward S. Corwin, viewing the Constitution as the *constitutional document* that means only what judicial review says it means, maintains that the fundamental law constitutes no bar to

² Compare J. R. Hayden, *The Senate and Treaties, 1789-1817*, Chaps. I, II.

³ *Cong. Globe*, Vol. 58 (Feb. 27, 1845), p. 362. Cf. Justin H. Smith, *The Annexation of Texas* (1911), Chap. XIV.

⁴ *International Executive Agreements; Democratic Procedure under the Constitution of the United States* (1941).

the entrance of the United States into almost any sort of international organization.⁵

In spite of many eloquent precedents for evading the Constitution, President Woodrow Wilson did not resort to the executive agreement and the joint resolution when a minority in the Senate in 1919-20 defeated the ratification of the Treaty of Versailles, including the Covenant of the League. One of the tragic aspects of the collapse of the peace system of 1919 was the fact that the minority in the Senate which blocked ratification was partially composed of members of the Democratic party bound to their stubborn course by the President himself.⁶ While the reservations attached to the treaty through the cunning tactics of Senator Henry Cabot Lodge were designed to destroy the effective participation of the United States in the League, ratification of the Treaty of Versailles would have brought some measure of American coöperation in the peace system. This would have been better than no participation whatsoever.

Ratification of the Treaty of Versailles without amendments was defeated in the Senate, in November, 1919, by a vote of 38 to 53.⁷ Of the 38 yeas, 37 were from Democrats, and only one from a Republican. In March, 1920, ratification of the Treaty with the Lodge reservations, which had been adopted by almost solidly Republican votes, was defeated by 49 to 35.⁸ In other words, the Treaty with reservations had a majority, but not a two-thirds majority. Twenty-one stubborn Democrats joined with twenty-eight irreconcilable Republicans to defeat the Treaty. Under these circumstances, it was not to be expected that the President, even if not stricken with paralysis, would seek to bring the United States into the League of Nations by means of a joint resolution, inasmuch as such a resolution would necessarily have been expressed in terms of the Lodge reservations, which were anathema to him.

Two years later (1922), when the Democratic minority in the Senate threatened the ratification of the treaties of the Washington Conference on Limitation of Armaments, President Harding toyed with the scheme of placing the commitments in the form of executive agreements. Fourteen years later, under the leadership of President Franklin D. Roosevelt, the United States became a member of the International Labor Organization, created by Part XIV of the Treaty of Versailles. This was accomplished, not by a new treaty, but rather by a joint resolution which passed

⁵ *The Constitution and World Organization* (1944).

⁶ See statement of Senator Hitchcock in Nicholas Murray Butler, *Across the Busy Years* (1940), Vol. II, p. 201.

⁷ *Cong. Rec.*, Vol. 58 (Nov. 19, 1919), Pt. 9, pp. 8786 and 8803. For an analysis of this vote, see W. Stull Holt, *Treaties Defeated by the Senate* (1933), pp. 295-298.

⁸ *Cong. Rec.*, Vol. 60 (Mar. 19, 1920), Pt. 5, pp. 4598-4599.

the House of Representatives by a vote of 233 to 109, and which the Senate adopted without a record vote.⁹

II. THE VANDENBERG-GREEN-SAYRE FORMULA

During World War II, when the Department of State began to formulate plans for the peace settlement, a considerable number of American experts leaned toward the use of executive agreement rather than treaty as the legal basis for the universal international organization. It was foreseen that various parts of this organization would be created from time to time. It was even said that the international structure might be established piecemeal by means of separate executive agreements without alarming the Senate minority, bent on mutilation of any formal treaty with military commitments submitted for approval. Legislative support for any such series of agreements, if necessary, would be secured by means of joint resolutions requiring only a simple majority of both houses of Congress.

Acting on this premise, in the spring of 1943, the State Department negotiated the draft text of the United Nations Relief and Rehabilitation Administration Agreement with Great Britain, Soviet Russia, and China. In June, President Roosevelt summoned the majority leaders of the Senate and House (Barkley, McCormack, McNary, and Martin) to a White House conference, and their consent to the proposed procedure in the case of the U.N.R.R.A. Agreement was obtained.¹⁰ In other words, the leadership of both parties in both houses of Congress acquiesced in the proposal to give legislative sanction to the executive agreement after its negotiation with the various members of the United Nations. This plan had the merit of avoiding the treaty-wrecking predilections of the one-third minority in the Senate. But, at the same time, it was destined to give offense to the committees in Congress particularly concerned with foreign affairs. The members of the Senate Committee on Foreign Relations were bound to resent any failure to consult them in a matter of this importance; and such resentment might even block a favorable report when the supporting joint resolution was laid before Congress. In particular, the new procedure threatened the vested interest of the Senate in treaty-making.

Senator Arthur H. Vandenberg raised the alarm by introducing a reso-

⁹ *Cong. Rec.*, Vol. 78 (June 13 and 16, 1934), Pt. 10, p. 11,343, and Pt. 11, p. 12,241. See also Manley O. Hudson, "The Membership of the United States in International Labor Organization," *Amer. Jour. of Internat. Law* (Oct., 1934), Vol. 26 pp. 669-674.

¹⁰ An account of this conference reached the press. See *New York Times*, June 10, 1943, p. 28.

lution demanding the submission of the U.N.R.R.A. Agreement to the Senate.¹¹ Even the Democratic chairman of the Committee on Foreign Relations, Senator Tom Connally, was ready to desert the President and lead a revolt. A sub-committee of five was appointed by the Committee with instructions to confer with the Secretary of State, included in it being three Democrats, namely Tom Connally (Texas), Elbert D. Thomas (Utah), and Theodore Francis Green (Rhode Island). One Republican, Arthur H. Vandenberg (Michigan), and one Progressive, Robert M. La Follette (Wisconsin), completed the list.

Reluctant as were State Department officials to submit a carefully negotiated pact to senators whose hands itched to revise all executive papers, Secretary Hull gave complete coöperation.¹² In his appearances before the sub-committee, he was accompanied by the negotiators of the pact, namely, Dean Acheson (Assistant Secretary of State) and Francis B. Sayre (Deputy Director of the Office of Foreign Relief and Rehabilitation Operations). Suavely and patiently, he heard the complaints of senators who felt that their prerogatives had been ignored.¹³ He even submitted the agreement to the committee for revision, and drastic changes in its text were made before the final formula for procedure was developed by Senator Green and Francis B. Sayre.¹⁴ The achievement of peace between the executive and the legislature was largely due to the sagacity of the Secretary of State. The event went practically unnoticed in the press. But in reality it was of equal significance with the diplomatic victory that the Secretary was destined to achieve three months later in the Moscow Conference.

The gentlemen's agreement between the executive and the members of the Senate Committee on Foreign Relations was simply this: In return for the submission of the draft text to the Committee on Foreign Relations, the members of the Committee tacitly pledged that they would support a resolution authorizing the United States to participate in the work of the United Nations Relief and Rehabilitation Administration. The enabling act was to be simply a joint resolution, requiring for its adoption only a majority vote in both houses.

III. THE UNITED NATIONS RELIEF AND REHABILITATION AGREEMENT

Accordingly, the Department of State re-opened negotiations with Great Britain, Soviet Russia, and China in order to win approval for the revised agreement; and when this was accomplished, negotiations with the

¹¹ *Cong. Rec.*, Vol. 89 (July 6, 1943), Pt. 5, p. 7237.

¹² See the account by Senator Vandenberg in the *New York Times*, Aug. 18, 1943, p. 1.

¹³ For further details, see the author's *The American Senate and World Peace* (1944), Chap. II.

¹⁴ See *New York Times*, Aug. 25, 1943, p. 1.

remaining states in the United Nations were undertaken. The agreement was finally signed on November 9, 1943,¹⁵ and on the following day representatives of the forty-four nations met in Atlantic City and organized the Council of the United Nations Relief and Rehabilitation Administration.¹⁶

It now became the duty of Congress to fulfill the understanding with the Department of State. On January 17, 1944, the Committee on Foreign Affairs in the House of Representatives reported favorably a resolution (H.J. Res. 192) offered by Sol Bloom, chairman, authorizing the appropriation of \$1,350,000,000 to the President for participation in U.N.R.R.A.¹⁷ The inclusion of the text of the U.N.R.R.A. Agreement in the resolution also constituted a tacit approval of the agreement by Congress. On January 25 the resolution passed the House, and on February 17 the Senate adopted it with amendments.¹⁸ By March 22, the compromise offered by the conference committee on the resolution had been accepted by both houses, although this was not accomplished without necessity of averting several reservations demanded by the Senate.

IV. EXECUTIVE AGREEMENTS WITHOUT CONGRESSIONAL SANCTION

Even prior to Pearl Harbor, the Department of State envisaged the ultimate peace settlement as a series of specific agreements rather than as a single comprehensive treaty. These non-treaty agreements might be either with or without special Congressional sanction. As we have seen, the U.N.R.R.A. Agreement, originally intended as an unsupported executive agreement, finally fell into the former category. In the latter category have come the American entrance into the military alliance of the United Nations (Declaration of the United Nations of January 1, 1942) and the American participation in the United Nations Interim Commission of Food and Agriculture in 1943, while the Anglo-American Oil Agreement of 1944 was submitted as a treaty to the Senate.¹⁹

Every one of these agreements has required, or will require, Congressional support in order to make it effective. But in each case the agreement was made without reference of the text to Congress, and each one

¹⁵ *Department of State Bulletin*, Vol. 9 (Nov. 13, 1943), No. 229, pp. 317-319. The text of the agreement had been published in the *Bulletin* of Sept. 25, 1943, No. 222, pp. 211-225.

¹⁶ *First Session of the United Nations Relief and Rehabilitation Administration, Atlantic City, New Jersey, November 10-December 1, 1943* (Washington, 1944), pp. 115, 205-206.

¹⁷ House of Representatives, Report No. 994, 78th Cong., 1st Sess. Without the specific authorization, H. J. Res. 192 had been introduced in the House in November, 1943. See *Cong. Rec.*, Vol. 89 (Nov. 15, 1943), Pt. 7, p. 9557.

¹⁸ *Cong. Rec.*, Vol. 90 (Feb. 17, 1944), pp. 1837-1840.

¹⁹ Senate Executive Doc. F, 78th Cong., 2d sess. (Aug. 24, 1944).

had its legal base in the powers of the President as chief executive and commander-in-chief, or else in powers already conferred upon him by Congress.

Even so, uneasiness was expressed in certain Congressional circles over the procedure of executive agreements. For instance, Senator Francis Maloney, chairman of the Senate Special Committee on Gasoline and Fuel-Oil Shortages, expressed resentment that the Department of State had failed to inform his committee of the progress of the negotiations with the British government regarding the control of the supply of petroleum; and on July 11, 1944, two weeks before the Monetary Agreement was signed at Bretton Woods, Senator Taft announced that the agreement of this conference would be defeated in Congress.²⁰

The above-mentioned events suggest the possibility of a dangerous impasse between the Senate and the Department of State; and this danger, which always lurks in the presidential as contrasted to the parliamentary form of government, has recently become a matter of great public concern. There has been widespread assumption that the Department of State, while aware of the danger, has done little to obviate it. As a matter of fact, within the past three years, the Department has made notable efforts to improve its relationship not only with Congress, but also with the American people. These efforts may be described under the following heads: (1) Executive-Congressional coöperation in the formulation of policy and conduct of foreign relations, (2) government-public relations in terms of education of citizens by governmental agencies, and (3) public pressure on government policy.

V. EXECUTIVE-CONGRESSIONAL COÖPERATION

By October, 1940, the Department of State was aware of the fact that the large acquaintance of Secretary Cordell Hull with members of Congress was not sufficient to maintain the proper contact between the legislature and the executive in foreign affairs. A member of Congress for twenty-two years before his appointment to the secretaryship of state in 1933, Mr. Hull had many personal friends in both houses. But need for coöperation between Congress and the Department was too complicated to be met by mere personal contact of the Secretary with individual members of the two houses.

In October, 1940, Breckinridge Long was appointed Assistant Secretary in charge of Congressional relations; and with the approval of the Secretary, Mr. Long inaugurated a series of conversations with the Senate Committee on Foreign Relations in order to take the members into the

²⁰ See *Chicago Sun*, Aug. 10, 1944, and *New York Times*, July 12, 1944, p. 1.

confidence of the Department in regard to general policy and current problems. These conferences were not held at regular intervals, but rather from time to time. The same procedure, with less frequent conferences, was followed with the House Committee on Foreign Affairs. The activities of the Assistant Secretary have assumed the following pattern:

(1) *Advice on Bills and Resolutions.* Committees in both houses refer to the Department of State for advice all bills and resolutions concerning foreign relations. After study is given to the matter, a reply is made. The reply is then checked with the Bureau of the Budget in order to ascertain whether the Department's advice is in line with the President's general policy. If it is found to be so, the Department's letter is dispatched to the committee which initiated the inquiry.

(2) *Hearings before Committees.* After this correspondence, a committee may desire the personal appearance of an officer of the Department for further examination of the subject. Unless the Department requests an executive session, such hearings are generally public; the press is permitted to attend, and the record is published.²¹

(3) *Informal Conferences on High Policy.* From time to time, conferences on high policy are called between committees of Congress and ranking officers of the Department; and often these include the Speaker and the majority and minority leaders of the House of Representatives and the majority and minority leaders of the Senate. Indeed, the most important ones may include the President, in which case the meetings take place at the White House.

In recent years, emphasis has been placed upon the non-partisan features of foreign relations; indeed, a distinct effort has been made to divorce foreign affairs from party politics. As a result, the Department has sought full and free conversations with members of the opposition party as well as members of the majority party. Such members have been taken into the confidence of the Department as officers of the Government, and not as members of a political party—and with gratifying results.

Incidentally, it should also be said that the Department has always performed numerous errands for members of Congress. There is a considerable volume of correspondence by senators and representatives with the Department about matters in which their constituents may be interested and which involve the rights of Americans abroad or the property of Americans in foreign lands; and correspondence of this nature tends to create legislative confidence in the Department and to facilitate cooperation of legislature and executive.

²¹ Compare *The State Department Speaks* (Department of State Publication, No. 2056, Washington, 1944), pp. 56-58.

VI. PUBLIC INFORMATION ON FOREIGN POLICY

Education of the public is a function of the Department of State that has been tardy in development.²² Traditionally the most conservative of the executive departments, the State Department has been loath to make public explanations of policy and action, even at times when national security was at stake. Too frequently, ranking officers of the Department have believed that their duties were best performed by a strict attention to the conduct of foreign affairs, leaving entirely to the Secretary or the President the task of offering a public justification of Department policy.

The change in the Department's attitude toward propaganda was caused partly by the provision of the Trade Agreements Act of 1934 requiring the renewal of the President's power to conclude such agreements at the end of three years. Disappointing as was this limitation to the friends of reciprocity, it possessed a special virtue. It actually compelled the Department to initiate a public information program to promote understanding of trade pacts; and this ultimately redounded to the credit of the Department. The lowering of tariff schedules is a complicated matter, not easily understood by the man in the street. Nevertheless, the efforts of Secretary Hull and his able assistants in awakening popular interest in the reciprocal trade agreements was little less than spectacular. No one can read the record of the hearings on the Trade Agreements Act before the House Committee on Ways and Means and the Senate Committee on Finance without a feeling of admiration for the work done by the Department in stimulating public interest in the Act.²³ The majority of the civic and business organizations that undertook studies of the trade pacts expressed themselves in favor of reciprocity; and by 1943, over 94 per cent of press opinion in the United States approved the Trade Agreements Act.

The educational work on the Hull agreements eloquently proved the necessity for creating special means for educating citizens regarding all policies of the Department. Indeed, this experience was largely responsible for the subsequent creation of the Office of Public Information, and, in particular, the Division of Public Liaison of that Office.

VII. THE OFFICE OF PUBLIC INFORMATION

Throughout the years 1940-43, the Department was subjected to an increasing barrage of criticism in the press as well as in Congress for al-

²² Compare a statement by Secretary Hull on "Need for Alert Public Opinion," in *Department of State Bulletin*, Vol. 10 (July 16, 1944), No. 264, p. 60.

²³ See, in particular, *Hearings before the Committee on Ways and Means, House of Representatives, Seventy-eighth Congress, First Session on H. J. Res. 111, Extension of Reciprocal Trade Agreements Act* (Washington, 1943), and also *Hearings before the Committee on Finance, United States Senate, Seventy-eighth Congress, First Session, on H. J. Res. 111, Extension of Reciprocal Trade Agreements Act* (Washington, 1943).

leged inefficient administration. The brilliant achievements of Secretary Hull at the Moscow Conference in October, 1943, effectively answered the political criticism, while the reorganization of the Department on January 15, 1944, met many of the objections of experts who knew what they were talking about. The reorganization affected the entire Department; at the same time, the changes in the functions and organization relating to popular education were one of the most conspicuous features of it. Department Order No. 1218, issued January 15, 1944, established the Office of Public Information, charged with securing a "full understanding of the foreign policy and relations of the United States, within this country and in other countries."²⁴ Specifically, the Office of Public Information was made responsible for development and coördination of policy and execution of programs in matters pertaining to: (a) the Department's relations with private organizations interested in the formulation of foreign policy, and with the domestic press, radio, news-reels; (b) the collection and analysis of materials relating to public attitudes on current foreign policy questions; (c) research on international affairs and publication of official documents; (d) the cultural exchange program of the United States government with foreign countries; and (e) liaison with the Office of War Information, the Office of the Coördinator of Inter-American Affairs, and other government departments and agencies engaged in related activities.

The function of maintaining relations with the press remained in the hands of a Special Assistant to the Secretary, Mr. Michael J. McDermott, the veteran representative of the Department in all contacts with newspapers, who was not placed under the jurisdiction of the Office of Public Information. All other functions of public education and propaganda were distributed among the following divisions: (1) Research and Publication; (2) Motion Pictures and Radio; (3) Science, Education and Art;²⁵ (4) Central Translating; and (5) Public Liaison.²⁶

(I) *Division of Research and Publication.* The Department of State is the only federal department that does not publish an annual report of its activities; and for many years this lack of reporting remained a serious defect in American foreign policy. Moreover, the publication of selected diplomatic correspondence in the yearly volumes, *Foreign Relations of the United States*, today lags thirteen years behind the current date. In 1928, under the leadership of Professor Manley O. Hudson, the Conference of

²⁴ The order is published in full in the *Department of State Bulletin*, Vol. 10 (Jan. 15, 1944), pp. 45-65. For a chart of the Department as reorganized, see *ibid.*, pp. 66-67; and cf. Walter H. C. Laves and Francis O. Wilcox, "The Reorganization of the Department of State," in this *Review*, Vol. 38, pp. 289-301 (Apr., 1944).

²⁵ Now, Division of Cultural Coöperation.

²⁶ The Division of Public Liaison, not included in Departmental Order 1218, was established by Departmental Order 1229 of February 22, 1944.

Teachers of International Law and the American Society of International Law urged the Department to adopt a more extensive program of publication.²⁷ One result was the speeding up of the publication of *Foreign Relations*; another was the launching of a periodical called *Information Service*, consisting chiefly of the press releases of the Department as issued from day to day. In 1938, the *Information Service* became the *Department of State Bulletin*, published weekly and containing somewhat more detailed information regarding the operations of the Department. Printed with an attractive format, this periodical seeks to acquaint the citizen with every phase of American foreign relations. For several years, E. Wilder Spaulding, chief of the Division, has maintained close contacts with learned and professional societies, as well as with colleges and universities, in order to ascertain what types of information are most desired by them.

(2) *Division of Motion Pictures and Radio*. Modern methods of communication and transportation have forced governments to assume responsibility for the dissemination abroad of information that will contribute to an understanding of their peoples and their policies. The United States has belatedly recognized what other governments have long realized, namely, that motion pictures, radio, and publications of all sorts are essential media for encouraging peoples of foreign countries to entertain a friendly view of the United States and its policies. Some deplorable mistakes have been made in the types of movies produced in American studios and shown in Latin American countries, and to counteract such blunders, it is the part of wisdom to seek the coöperation of all interested parties in the dissemination of movies abroad which are not distortions of American life. The same consideration applies to broadcasting and publications. The Division of Motion Pictures and Radio coöperates with the Coördinator of Inter-American Affairs and the Office of War Information in their overseas informational projects, costing about twenty million dollars annually.

(3) *Division of Cultural Coöperation*. This bureau has the task of formulating and operating the Department's activities designed to encourage and strengthen intellectual coöperation and cultural relations between the people of the United States and those of friendly foreign nations, including (a) facilitation of communications between students, interns, trainees, teachers, experts, and persons of prominence in such fields as education, technology and the arts, crafts, sciences, and professions; (b) exchange of books and scientific equipment; (c) assistance to centers of American culture abroad, such as educational institutions, libraries, museums, social-service agencies, and cultural institutions; (d) assistance in the reconstruction and rehabilitation of educational and cultural institutions

²⁷ See the writer's "Expansion of the Publications of the Department of State," in this REVIEW, Vol. 22, pp. 69-77 (Feb., 1929).

in devastated areas; and (e) coöperation with official agencies of the United States and of foreign governments, with international agencies, with private organizations of all countries, and with private commercial enterprises participating in international cultural activities.²⁸

(4) *Division of Public Liaison*. The latest division to be formed in the Office of Public Information, the Division of Public Liaison²⁹ attempts to meet the demand upon government made by the broad popular interest in international events and foreign policy; and in many respects, the creation of this bureau has been one of the most important episodes in the reorganization of the Department. The Division undertakes the task of: (1) developing means for bringing to the people a closer insight into the operations, aims, policies, and methods of the Department and into the problems and complexities involved in the settling of specific international situations, and (2) increasing the Department's knowledge of public attitudes, by conducting studies and analyzing public opinion polls and the materials supplied by the press and periodicals, radio commentators, political leaders, and private groups and organizations on current questions of foreign affairs.

Today, in the field of international affairs, public opinion is mobilized in fraternal, educational, labor, business, and religious groups whose aggregate membership runs into the millions, and whose influence affects the general public in a most profound manner. The Division of Public Liaison undertakes to answer the numerous requests of organized groups for information and advice in the field of foreign affairs, and to make full use of these groups for promoting a more complete public understanding of the conduct of foreign relations; and this requires the maintenance of personal contact with secretaries and directors of outstanding national organizations and groups.

Educational materials on foreign affairs supplied by the State Department are adapted for use by these organizations in publications sent to their members and to their local officers. Examples include statements on foreign commercial policy prepared by the Department for business organizations and statements on international organization matters for foreign policy groups, etc. The materials take many forms, ranging from information about particular countries to information on specific problems of foreign policy. The Division frequently coöperates with the of-

²⁸ See *The Cultural-Coöperation Program, 1938-1943*, by Haldore Hanson (Department of State Publication, No. 2137, Washington, 1944). See also Willys R. Peck, "State Department Aid to Cultural Exchange with China," in *Department of State Bulletin*, Vol. XI (July 9, 1944), No. 263, pp. 36-43; and G. Howland Shaw, "Cultural-Coöperation Program of the Department of State," in *ibid.*, Vol. X (May 13, 1944), No. 255, pp. 429-434.

²⁹ For the text of Departmental Order 1229 of February 22, 1944, see *Department of State Bulletin* (Feb. 26, 1944), Vol. 10, pp. 209-211.

ficials of these organizations by bringing them into contact with departmental experts, and arranges also for the participation of officers of the Department in meetings and conferences arranged by such organizations.

VIII. PUBLIC PRESSURE AND GOVERNMENTAL POLICY

The analysis of public opinion conducted by the Department is one of the new activities promoted by recent reorganization. It is of prime importance that the Secretary, the Under-Secretary, and other policy-making officials have accurate and timely information regarding public opinion in the country on foreign policy, and it is equally essential that this information be made available to our diplomatic missions abroad. This work is performed by the Division of Public Liaison, which assembles and classifies public opinion data and prepares analytical and interpretative studies of current trends in public attitudes toward foreign policy. Each week, a confidential report, *Public Attitudes on Foreign Policy*, is compiled for the Secretary, the Under-Secretary, and other policy-making officials. This document is prepared from various sources—public opinion surveys of established agencies, Congressional debates on foreign policy, and public opinion as expressed in addresses of leaders and statements of organizations in the fields of labor, business, agriculture, religion, women's clubs and foreign relations groups. Clippings from over 300 newspapers and 40 magazines are received and carefully digested. Letters and telegrams addressed to the White House and to the Department—averaging about a thousand a day—are another source of information regarding the public mind. Experience has shown that such letters assist materially in determining the areas of information and of ignorance in foreign affairs throughout the country.

IX. NON-PARTISAN CHARACTER OF STATE DEPARTMENT POLICY

One remarkable feature of State Department policy in recent years has been its tendency toward non-partisanship. While Secretaries Charles E. Hughes (1920-25) and Frank B. Kellogg (1925-29) presided over the Department, party politics was conspicuously present. On the other hand, Secretary Henry L. Stimson (1929-33) made a valiant effort to raise foreign policy above partisan considerations. From the beginning of his career as Secretary, Cordell Hull has sought to achieve the same end. In twelve years of continuous service, he has gone far. It is not too much to say that, perhaps with the exception of John Hay, Mr. Hull has raised Departmental policy further above partisanship than any other Secretary. Moreover, Mr. Hull has achieved something that John Hay never accomplished, namely, a considerable degree of coöperation with Congress.

Particularly in the preparation of an American plan for the organization of the United Nations, Secretary Hull has ignored party lines. In the study

of this problem, which began even before Pearl Harbor, the Department drew upon all shades of opinion. Early in 1944, as the time for calling the preliminary Conference on International Security approached, Secretary Hull requested the chairman of the Senate Committee on Foreign Relations to designate a bipartisan group of senators to advise in the development of the American plan.³⁰ When, on the eve of the Dumbarton Oaks conference, Governor Dewey made a public statement raising questions about the American plan, the Secretary expressed his willingness to discuss the matter with the Republican nominee.³¹ This friendly gesture was almost without precedent. The Governor, while declining personally to confer, designated his foreign-policy adviser, Mr. John Foster Dulles, as his representative. The same non-partisan procedure was used in October, 1943, when the Senate and House of Representatives were requested to name members from both major parties to sit with Department officials on committees to develop postwar policies in ocean shipping, international aviation, and foreign communications.³² In planning for the International Monetary Conference at Bretton Woods in 1944, the Department of the Treasury employed the same tactics.

X. CONCLUSION

Obviously, twentieth-century methods should be applied to twentieth-century diplomacy. It is a moot question whether the presidential system, with its recurring clashes between the executive and the legislature and its inelastic system of elections is well adapted to the promotion of competence in the conduct of foreign relations. The parliamentary system at least reduces the friction between the executive and the legislature to almost zero. On the other hand, the Senate monopoly over the consent to ratification of treaties, together with the two-thirds rule, is not necessarily an adjunct of the presidential form of government. These defects in the democratic process still cause American direction of foreign policy to remain largely out of the control of a majority of the people. At the same time, the Department has assumed a new rôle of leadership, tempered by a careful awareness of public opinion. Public opinion weighs more heavily with the Department than most people think. Indeed, there is every reason for believing that the Department today is far better informed than ever before, not only upon conditions abroad, but also upon public sentiment at home.

³⁰ See the address by Secretary Hull entitled "Foreign Policy of the United States," *Department of State Bulletin*, Vol. 10, No. 251, pp. 335-342 (Apr. 15, 1944). See also the statement of President Roosevelt concerning the non-partisan character of the groups which developed the American plan, *ibid.*, Vol. 10, No. 260, pp. 552-553 (June 17, 1944).

³¹ See statement in *New York Times*, Aug. 18, 1944, p. 1.

³² *Ibid.*, Oct. 14, 1943, p. 1.

MILITARY OCCUPATION

A TERRITORIAL PATTERN FOR THE MILITARY OCCUPATION OF GERMANY

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With the military defeat of Germany now assured, it becomes imperative to complete plans for occupation of the country. There is apparent agreement among the United Nations that Germany must be occupied; but, although much work has been done on the subject, by both the military and political branches of the several Allied Governments, to date we have not had any general policy directives from the heads of the three great powers, namely, Russia, Great Britain, and the United States. Presumably, at the Teheran conference Churchill, Roosevelt, and Stalin came to a preliminary meeting of minds with reference to the various aspects of the war against Germany. At the second Quebec conference, it may reasonably be assumed that the President and Mr. Churchill, keeping in close contact with the Soviet leader, finally came to some definite agreement regarding the measures necessary to encompass the complete defeat and occupation of Germany.

It has been generally agreed all around that Germany must be occupied by the troops of the Allied Nations, but many of the specific details of such an occupation have not yet been thought through. When we speak of the occupation of Germany, we must first of all define exactly what we mean by the term Germany. It is expected that "Germany" will be understood to cover only those territories included within the Republic prior to Hitler's accession to power. It might be better to agree that the boundaries shall be understood to be those of January 1, 1932.

Once having defined the area to be occupied, it becomes necessary to determine who is to occupy the country and how it is to be organized for purposes of occupation. Again it may reasonably be assumed that Great Britain, Russia, and the United States will provide the forces necessary for the military occupation. The important question here is, What parts of Germany shall be occupied by the respective powers? Obviously, that depends in part upon the circumstances surrounding Germany's final collapse. It is not now possible to predict with too much certainty precisely how the war against Germany will terminate. Several possibilities exist. First of all, the Nazis may accept unconditional surrender. At present this seems rather unlikely. Second, capitulation may be agreed to by some authority within Germany which has been capable of ousting the Nazis from power. In this case, of course, the Allied Governments will have to assure themselves of the standing and authority of this suc-

cessor government. And, third, it is entirely possible that Germany will gradually break up into pieces with different areas surrendering from time to time to one or another of the allied armies advancing from the east, the west, or the south. If this third situation obtains, Germany will be occupied in due time without any prior agreement of surrender with any regularly constituted authority.

Regardless of how Germany actually succumbs to defeat, the three great powers will have to come to an agreement regarding their respective shares in the handling of the German problem, and they will have to be ready for the unexpected surrender of Germany if it should occur. In the last war, the Germans preferred to communicate first with President Wilson.¹ It may well be that in this war also whatever German government might be in power and disposed to enter into negotiations for an armistice would again desire to treat first with the government of the United States. If we are united nations, however, we will have to agree in advance as to the steps to be taken when overtures for peace are made, whether they be made to the United States, to Great Britain, or to Russia.

Our previous experience in such matters should teach us the value of unified action. It would be most unfortunate if we repeated the mistakes of the Rhineland occupation, where instead of one over-all administrative authority in the three zones of occupation, we had three different administrations.² There are the most compelling reasons for the establishment within Germany at the end of the fighting of an over-all authority representing the three great powers. Such a governing commission would then be in a position to secure the uniform control of the whole country regardless of what nation's troops are occupying a particular area.³

The exact area to be occupied by the troops of each of the three great powers is really a matter of secondary importance. But it seems that this problem has caused the greatest difficulty, especially between Great Britain and the United States. In the deliberations prior to the second Quebec conference, great difficulty was encountered in coming to an over-all agreement regarding the specific areas to be allotted to each one of the powers for purposes of occupation. It is natural to assume that as a result of the conference the proper political and military authorities within the government of each of the three great powers will now have orders to prepare for the occupation of definitely assigned areas.

¹ Sir Frederick Maurice, *The Armistices of 1918* (London, 1943).

² See the Hunt Report on our experiences in the Rhineland after World War I, *American Military Government of Occupied Germany, 1918-1920* (Washington, D. C., 1943).

³ See my brochure, *What Shall Be Done With Germany* (Carleton College, Northfield, Minnesota, 1944), pp. 26-34.

Pending the issuance of such a policy directive after the Quebec conference, Civil Affairs officers have had to work in the dark. Now at last, on the eve of the German collapse, it is reasonable to assume that the pattern of occupation is being filled in with all of the necessary details. But Germany, unfortunately, is a country with the greatest cultural and historical diversity, and it will not be an easy matter, even with a unified over-all United Nations authority, to handle the sixty-odd million German people in such a way as to bring about their complete disarmament, to start their rehabilitation, and to begin to lay the foundations for a new democratic order.

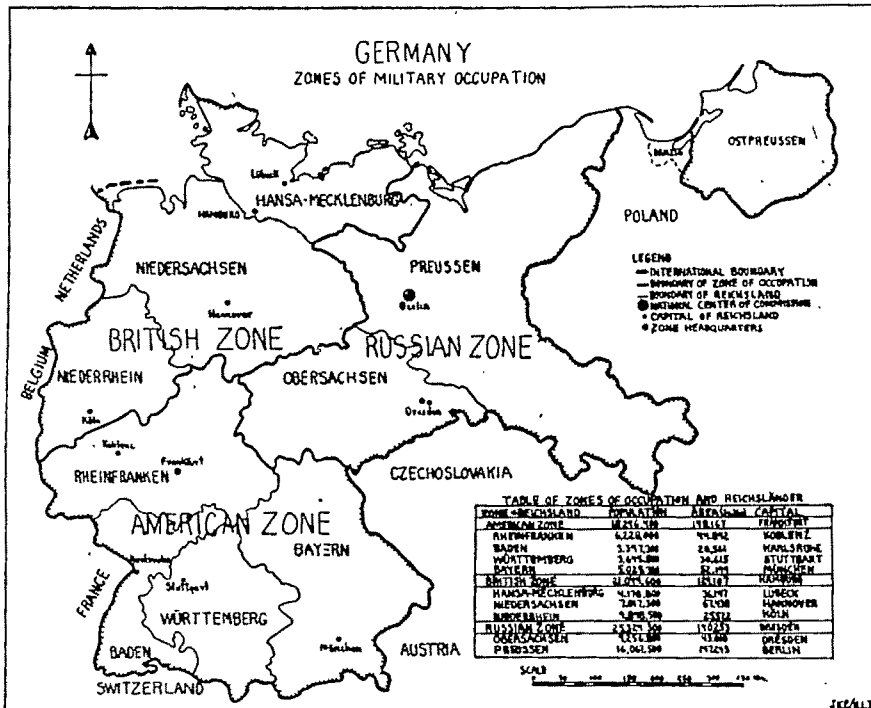
In this connection, it needs to be emphasized that the occupying powers are at liberty to divide up Germany in any way that will promote proper administration and effective military and political control. Regardless of whether Germany is or is not to be dismembered, it is entirely proper and feasible for the occupying powers to set up areas of administration within the country, as earlier defined, which will assure, or at least make possible, the cooperation of the population and the effective handling of the administrative problems involved. Since Germany, even in modern times, has never been logically divided for political or administrative purposes, it is now possible for the great powers to demonstrate their wisdom and international statesmanship by creating a pattern of occupation of Germany which, with such alterations as experience dictates, would be well calculated to serve as the territorial foundation for a new German government, once the Nazis are eradicated and the German people are again enabled and empowered to create their own system of self-government.⁴

With this end in view, Germany's political and administrative arrangements over a period of years have been studied; and such study yields the results which will now be presented. A careful analysis of the evolution and composition of German political areas points in the direction of dividing Germany into nine regional groupings or states.⁵ These areas correspond most nearly with historical, cultural, economic, and political facts, and they are based on a careful study of the component parts included in each area. Contiguous and similar districts are joined together. Administratively, these areas are logical and sound; and in the final analysis any areal arrangement will succeed or fail, particularly during the period of occupation, depending on whether its administrative arrangements are good or bad.

⁴ On the problem of federal reform in republican Germany, see Arnold Brecht, *Prelude to Silence* (New York, 1944), especially Chap. VI; also F. A. Medicus, *Reichsreform und Landerkonferenz* (Berlin, 1930).

⁵ Sumner Welles has proposed the partition of Germany into three nondescript areas each containing many heterodox and conflicting units poorly calculated to promote either internal or external harmony. See his *Time For Decision* (New York, 1944). In my analysis, the partition of Germany is rejected as being unsound.

The nine political and administrative regions into which Germany may properly be divided first for purposes of occupation, and later as possible units in a new democratic government, may be listed as follows, with their appropriate names: (1) Hansa-Mecklenburg; (2) Niederrhein; (3) Rheinfranken; (4) Baden; (5) Württemberg; (6) Bayern; (7) Niedersachsen; (8) Obersachsen; and (9) Preussen.



As will be seen from the accompanying map, this division of Germany accomplishes the break-up of Prussia and establishes strong, natural, and workable areas for state and local self-government. This division of the Reich into nine Reichsländer, or states, has the added advantage of producing areas of relatively even balance politically.⁶ All kinds of political views, in other words, will be included in fair measure in each of the proposed regions. The following description of each of the nine proposed areas reveals the illogical groupings of administrative units within the present Germany, as well as the possibilities of future efficient administrative organization.

1. Hansa-Mecklenburg is so named because it includes the old Hanseatic cities of Hamburg and Lübeck, and the former German states of Mecklenburg-Schwerin and Mecklenburg-Strelitz. Logically included in

⁶ See this REVIEW, Vol. 38, pp. 89-95.

the same administrative area is the district known historically as Vorpommern, once an appendage of Sweden, and in modern times referred to as the *Regierungsbezirk*, or administrative district, of Stralsund in the province of Pomerania. The Prussian province of Schleswig-Holstein also forms a natural solidarity with the above listed units.

2. Niederrhein includes all of the province of Westphalia except the administrative district of Minden; also three of the administrative districts of the Rhine province, namely K  ln, Aachen, and D  sseldorf. This is Germany's greatest industrial area and its densest in population.

3. Rheinfranken includes the two remaining administrative districts of the Rhine province, namely, Koblenz and Trier. Also attached to the same area are the former state of Hesse, the Prussian province of Hesse, and the Bavarian administrative district of Mainfranken. The Rhine-Main manufacturing district is an important part of this area.

4. Baden consists of the former state of Baden plus the Bavarian Palatinate, which forms a logical unit with the Badenese Palatinate.

5. W  rttemberg consists of the former kingdom and state of W  rttemberg, the Prussian territory of Hohenzollern, and the Bavarian administrative district of Schwaben. The latter is a cultural part of the Swabian territory of the state of W  rttemberg.

6. Bayern is a natural entity by itself, requiring no description.

7. Niedersachsen, or Low Saxony, includes principally the Prussian province of Hannover, together with the administrative district of Minden belonging to the present province of Westphalia, and the administrative district of Magdeburg belonging to the present Prussian province of Sachsen. Attached to it also are the former German states of Brunswick, Lippe, Schaumburg-Lippe, and Oldenburg, and the Free City of Bremen.

8. Obersachsen consists of the state and province of Saxony with the exception of the administrative district of Magdeburg; the state of Thuringia; and the state of Anhalt. This is a rich agricultural area and includes the central industrial triangle which, after the Ruhr, is the most important in the Reich.

9. Preussen includes all the remaining areas included in the former state of Prussia, specifically the provinces of Brandenburg, Pomerania, and Upper and Lower Silesia. It is assumed in this list that the province of East Prussia and the Free City of Danzig will not remain parts of Germany after the treaty of peace, and that a part of Upper Silesia and small boundary areas along the Corridor in Pomerania will also be taken from Germany.

Coming finally to the question of the allocation of these specific areas to each of the three great powers for purposes of occupation, the following apportionment seems most logical and proper.

A. Areas to be occupied by British troops: (1) Hansa-Mecklenburg; (2) Niedersachsen; and (3) Niederrhein.

B. Areas to be occupied by Soviet troops: (1) Preussen, including East Prussia, Danzig, and Silesia; and (2) Obersachsen.

C. Areas to be occupied by American troops: (1) Rheinfranken; (2) Baden; (3) Württemberg; and (4) Bayern.

The following table, arranged by zones of occupation, shows the population, area, and natural administrative center for each of the nine proposed areas.

TABLE OF ZONES OF OCCUPATION AND REICHSLÄNDER

<i>Zone and Reichsland</i>	<i>Population</i>	<i>Area (in sq. km.)</i>	<i>Capital</i>
American Zone	18,296,400	148,167	Frankfurt
Rheinfranken	6,228,000	44,842	Koblenz
Baden	3,397,300	20,561	Karlsruhe
Württemberg	3,645,800	30,615	Stuttgart
Bayern	5,025,000	52,149	München
British Zone	21,044,600	129,107	Hamburg
Hansa-Mecklenburg	4,178,800	36,147	Lübeck
Niedersachsen	7,017,300	67,438	Hannover
Niederrhein	9,848,500	25,522	Köln
Russian Zone	25,324,300	190,253	Dresden
Obersachsen	9,256,800	43,010	Dresden
Preussen	16,067,000	147,243	Berlin

It can be seen that the areas proposed to be allocated to each of the three great occupying powers contain approximately equal numbers of people and approximately equal territory, the Russians receiving a slightly larger share. Also, each one of the occupying powers would have control over both agricultural and industrial resources. Each occupation zone includes a major industrial area and substantial agricultural areas. Furthermore, the areas proposed to be occupied by Soviet Russia are nearest to Russia, and the areas proposed to be occupied by Great Britain are nearest to and most conveniently connected with Great Britain. If at any time in the future the three great powers should tire of the job of occupying Germany, their responsibilities could be taken over most conveniently by the bordering nations of Poland, Czechoslovakia, France, Belgium, Holland, and Denmark.

If it is necessary to occupy Germany for many years, it is better that the original occupation be accomplished by the great powers which have encompassed Germany's defeat. Thereafter, as the smaller powers recover their strength and position, they would be available to assume any responsibilities of occupation which the great powers might see fit to hand over to them, or which might be required if Germany should fail to reorganize her life along peaceful lines.

MILITARY OCCUPATION AND GERMAN REVOLUTION

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In discussing the problems of military government, some writers have recalled critically the fact that in 1918 the armies of occupation did not coöperate with the workers' and soldiers' councils in Germany. Did this really mean that the commanding officers hampered Germany's transition from a half-absolutist monarchy to a democratic republic? What was the position of the workers' and soldiers' councils in the total population? How did the occupation armies act toward the democratic movements in Germany? As one of the leaders of the revolution against the Emperor, and as a close observer of the foreign armies in my home province, the Rhineland, I may be justified in presenting some facts and experiences.

When on November 11 I read in Paragraph V of the armistice agreement that "the left bank of the Rhine shall be administered by the local authorities under the control of the troops of occupation," I informed my friends in the Cologne workers' and soldiers' council that this undoubtedly meant the end of that council on the day of the arrival of the foreign troops. It was clear that we were no "local authorities." Nowhere had the councils replaced the civil servant administration of the former régime. Why not? Simply because the social-democratic labor movement, which alone backed the councils, was in most places, on the left bank of the Rhine, a small minority. Only by using terror against a large majority of the population could we have eliminated the existing civil servant administration. Such terror was against the democratic principles and traditions of our movement. Incidentally, even the wildest radicals knew in those days of threatening chaos that a sudden break-up of a centuries-old civil servant administration would mean grave disaster, especially in shipping the necessary supplies to the exhausted population. In Germany, civil servants make up a rank and file of many hundreds of thousands of employees in the following administrative authorities: federal, state, provincial, and local governments and courts of all types; all social security agencies and insurances; all railroads, postoffices, telegraph and telephone systems, street-car and all other kinds of public traffic; most public utilities (gas, water, and electricity); government-owned mines, etc. Knowing the difficulties, the workers' and soldiers' councils never aimed at more than supervising the civil servants during the short transitional period

* The author, exiled from Germany for political reasons in 1933, was from 1920 until that date a member of the Reichstag, and was secretary of the interior in the two cabinets of Chancellor Stresemann.—MAN. ED.

between the revolution and the election of a National Assembly. The decision on the future political and social set-up seemed to rest with the democratically elected national parliament, not with the rather irregular instruments of the revolution. This may have been a political mistake. If so, it was not caused by the occupation armies.

Already, five weeks after the outbreak of the revolution, a national convention of all workers' and soldiers' councils in Berlin passed, by 344 votes among 442 delegates, a decision against the permanent existence and authority of the councils. An overwhelming majority of German workers and soldiers were passionately opposed to the Russian soviet system, and were eager to establish a parliamentary system after the example of the Western democracies. Incidentally, the convention did not even take notice of the refusal of the occupation armies to deal with the councils of the revolution. No protest was heard. The only demand was that the foreign armies should not interfere with the impending free elections.

As to the American army, it had entered a section (Trier-Coblenz) where the Social Democratic party as the only sponsor of the workers' and soldiers' councils was truly insignificant. In the elections to the National Assembly on January 19, 1919, the Social Democrats in that area mustered only 58,361 out of the 388,469 voters who went to the polls. How could the occupation armies have accepted a minority of one-seventh of the population as its legal representation? Whatever the feeling of the Americans may have been towards the German revolution, it was impossible to recognize worker's and soldier's councils as instruments of democracy. The British, French, and Belgians in the neighboring constituency of Cologne and Aix-la-Chapelle, where I was elected to the National Assembly, found a similar situation. The Social Democrats had only 253,000 out of 971,000 votes, a minority of one-fourth. As followers of democracy, we accepted this political decision, and the foreign armies did the same.

The historical truth is that the first democratic elections in Germany were freer in the occupied zone than in some parts of unoccupied Germany, where leftist radicals tried to upset the elections by armed revolts. Actual civil war raged in some large cities and industrial territories. Nothing of the kind could happen in the occupied zone. Naturally, there were some restrictions. For instance, public meetings required military authorization. However, with some exceptions in the French and Belgian zone, the election campaign was completely unhampered. I addressed nearly one hundred meetings in the occupied territory, and I do not remember even encountering interference by the troops. It was well known to us political leaders that the American Army Headquarters had ordered the members of the armed forces not to express any preference for, or

opposition toward, any political party. In truly classical democratic spirit, the American commander-in-chief expected from the German authorities that they should "secure a full, free, and fair expression of the will of the voters of Germany in order that the constitution now about to be written and the government now about to be established might be founded upon the immovable foundation of the will of the people." Was there ever a more liberal statement by any occupation army in history? Is more fairness possible toward a defeated enemy? And did the Americans live up to their announcement? If they had not, I, as the leader of the Social Democratic party, would have known it. No serious complaints came to the headquarters of our party.

It is true that the occupation armies prohibited the local elections, i.e., of municipal, county, and provincial councils. It seems that the Americans did not perceive in time that some French generals hoped to abuse parts of the old local administrations for their plans to separate the Rhineland from Prussia. The Americans, however, corrected their mistake by resisting with complete democratic fairness several attempts to force an autonomous republic on the Rhinelanders; and after a few months' delay, the local elections were held in absolute freedom.

There can be no doubt that nine-tenths of the Rhenish population, including the workers, were grateful to the occupation armies for having prevented violent outbursts of the revolution. Whether this mentality of the Rhinelanders, a population with very long democratic traditions, was politically wise or unwise, is not under discussion here; it was a reality.

Although I may claim to know the German people by virtue of many years of traveling throughout the country, and of contacts with all groups from Junkers to workers and from archbishops to communists, I would not venture to make any prediction about the future relations between them and occupation armies. Probably most Germans will be bitter, and their nerves will be shattered after the destruction of practically all of their cities and industrial sections. After the crushing defeat of their armies, they may be outwardly subdued and submissive, but inwardly they will be restless and hypercritical toward everyone and everything. There is no doubt in my mind that national elections will not be possible soon after the end of the hostilities. A nation completely unbalanced mentally cannot govern itself. One of the first and most difficult tasks of the occupation armies will be to find contacts with the honest anti-Nazis for the gradual democratic reconstruction of Germany. In facing this problem, there will be two pitfalls: (1) There exists a certain danger that the occupation armies will accept outright Nazis, either because they cleverly conceal their true convictions (perhaps by maintaining that they were forced into the Nazi party), or because they assert that they are indispensable to the

smooth running of the administration—although the number of really convinced Nazis is so small that their immediate dismissal would not upset the offices. Incidentally, the elimination of Nazis will not make the control, and the gradual purging, of the administration unnecessary. After all, there are many sympathizers with the Nazis everywhere in the offices. In some cases, the Nazis may denounce people as "Communists," because they want to prevent them from getting into touch with the occupation armies. Quite rightly, the Nazis may report that such people had been in penitentiaries for years—but without explaining that they were imprisoned because of their loyalty to democracy. (2) Occupation authorities may accept the now widely fashionable belief that everyone who is not a left-winger is a fascist. In postwar Germany, this would be harmful. There exist (now, of course, without organization) between the Social Democrats and Communists on the left and the irreconcilable Nazis and Pan Germans on the right very strong democratic forces in the center (Roman Catholics), and even more to the right: Conservatives and Social Christians with constructive political ideas. Not everyone who is critical of parliamentary democracy, of certain systems of social security and economic planning, is a "fascist."

The one absolute political necessity clearly predictable for postwar Germany is broad coöperation of all social groups, political philosophies, and religious creeds, the Nazis and their fellow-travelers, of course, excluded. A heavy responsibility will rest upon the occupation armies, especially during the first days after their arrival. The best parts of the population will not dare to come into the open if they see that the armies are coöperating with Nazis or half-Nazis. A wrong approach in the first few days might ruin, or at least delay, confidence in the intentions of the occupying forces. It may be inevitable that the first contact of the troops will be made with the present chiefs of the local administrations. Some of these may be Nazis. However, the armies of occupation should do their best to get into touch immediately with men and women inside Germany who had leading positions in the democratic Republic before 1933. The local commander, for instance, could summon a conference of persons who held the following positions before January 30, 1933: the former mayor and his assistants; all members of the federal, state, and provincial parliaments and of the county and city councils (with the exception of Nazis and *Deutschnationale Volkspartei*), the presidents of the chambers of commerce, artisans, and farmers, and of the employer associations; the local officers of the dissolved unions; the presidents of the coöperatives; the leading Roman Catholic priests and such Lutheran clergymen and school principals as were dismissed or imprisoned by Hitler; the former editors of the liberal, Social Democratic, Roman Catholic, and Communist

newspapers; the former presidents and executive secretaries of the dissolved political parties; and, of course, delegations of revolutionary bodies, which may have been established.

It will not always be easy to find the right persons. Some will have died, or may have been scattered to other parts of the country. However, the survivors will try to come home as fast as possible; and at any rate, a substantial number will be available immediately. With their advice and help, it will be possible to separate the Nazis and their accomplices from the decent part of the population and to begin the setting up of local democratic administrations. It will be only a beginning, but an orderly and constructive one, acceptable to the disciplined mind of most Germans. They will acclaim the restoration of "law and order" against the Nazis and other wild groups. It is doubtful whether the Germans have as little democratic understanding and tradition as is widely believed now.¹ However, we may be certain that any democratic system in postwar Germany will need strong authority. At the start, such an authority can be offered only by the occupation armies. The Germans will probably realize this necessity. Many of them will even hail the occupation as a liberation from Hitlerism. It will, however, be a somewhat prolonged period before the German people will have recovered sufficiently to govern themselves democratically.

FOREIGN GOVERNMENT AND POLITICS

COMMUNITY OF THE PARLIAMENTS OF THE ENGLISH-SPEAKING PEOPLES: FIRST STEPS

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In the past year and a half, first steps have been taken toward the building up of a community of the parliamentarians of the English-speaking peoples. The development in the past thirty-two years of a community of the parliamentarians of the British Commonwealth to the point where it has become a central institution of the Commonwealth was dealt with in a previous article.¹

A Shrine of Family Reunion. Those who were present in the Canadian House of Commons at Ottawa on June 26, 1943, at the first conference between a duly appointed delegation from both houses of the American Congress and delegations from the Parliaments of the British Commonwealth felt that they were witnessing an important event; it was a development, they believed, which might prove hardly less important in history than the obscure first meetings of knights of the shire and burgesses out of which parliamentary institutions emerged in the thirteenth century. A remark in the last moments of the Conference by Mr. Sol Bloom, chairman of the Committee on Foreign Affairs of the United States House of Representatives, expressed this feeling. He spoke of the room as "a shrine of family reunion"; the thought had come to him, he said, that this room in which this historic first conference had been held should be made a shrine, for within those four walls ideas had come forth that day that should lay everlasting foundations for the future of the peoples of the world.

A Series of Parliamentary Meetings. The Conference at Ottawa and the subsequent meeting at the Capitol in Washington on July 1, in which heads of the British Commonwealth met some hundred members of the United States Congress,² were the high crest of an entire series of meetings, each of which had some parliamentary character, in the war years

¹ "Community of the Parliaments of the British Commonwealth," in this REVIEW, Vol. 36, pp. 1128-1135 (Dec., 1942).

² This latter meeting was an outcome of an invitation given by Senator Connally at the final meeting of the Conference. Eleven leading members of the British Commonwealth delegations returned with the Congress delegation for the purpose. The meeting took the form of a two-hour luncheon discussion, with members of the Foreign Relations and Foreign Affairs Committees and other members of Congress. It was convened by Senator Connally and Congressman Sol Bloom, and presided over by the former.

after Pearl Harbor.³ Most were "off the record," save for two appearances of Mr. Churchill before Congress. What Senator Warren R. Austin said of the Ottawa Conference applies to all of these meetings: "No obligations were sought or undertaken, but consequences of high value in mutual understanding were realized."⁴

The Empire Parliamentary Conference was held in the House of Commons at Ottawa, from the 23rd to the 29th of June, 1943. It was attended by representative all-party delegations from the following Parliaments: United Kingdom 8; Australia 6; New Zealand 2; Bermuda 2; Canada 80 (including most of the members of the Cabinet).⁵ The Conference (and the visit of inspection of the Canadian war effort in several of the eastern provinces of Canada) was held at the invitation of the Dominion of Canada Branch of the Empire Parliamentary Association.

The Empire Parliamentary Conference: Ottawa, 1943. At the Conference the delegates from the five Commonwealth Parliaments discussed on successive days the following subjects relating to the war and postwar problems: (1) "Principles of Foreign Policy, Defense, and Communications, War and Post-War" (opened by Sir John Wardlaw-Milne [U.K.]); (2) "The British Commonwealth's Functions in a Peace System" (opened by Hon. Ian Mackenzie, Canadian Minister of Pensions and National Health); (3) "The Joint British Commonwealth-America War Organization" (opened by Colonel the Rt. Hon. J. J. Llewellyn, then British Cabinet Minister, Resident in Washington for Supply.) All of the discussions, those in the conference rooms and the many around the dinner tables, represented, as Mr. Churchill said in the House of Commons, "an exchange of private and quite unofficial views."

Up to this point, the Conference was on the same pattern as the many which had played such a notable part in the previous thirty-two years in

³ Among the more important of these occasions were the historic first addresses of a British Prime Minister to Congress (December 26, 1941, and May 19, 1943); Mr. Anthony Eden's meeting, March 19, 1943, with the Foreign Relations and Foreign Affairs Committees of Congress (of which, because of its "parliamentary character," he gave a "special account" to the House of Commons on April 8, 1943); and the visit in February, 1944, of a British Parliamentary delegation on its way to the West Indies, and of a similar delegation on its way to Australia. The New Zealand Prime Minister, Mr. Peter Fraser, and the Deputy Prime Minister, Mr. Walter Nash, took part in the latter meeting on March 17, 1944.

What was in effect a conference of governments and of parliamentary leaders took place on June 24, 1942, when a strong Congressional delegation met in the Pacific War Council with President Roosevelt and three British Commonwealth Parliamentary leaders—Mr. Churchill, Mr. Mackenzie King, and Mr. Walter Nash (*New York Times*, June 25, 1942).

⁴ *Cong. Rec.*, Vol. 89, No. 126 (July 3, 1943), p. 7149.

⁵ Attendance of delegates from other British Commonwealth Parliaments was not possible, owing largely to difficulties of wartime transport.

giving the British Commonwealth a common understanding and outlook on world affairs. The arrival on June 26 of an all-party delegation, appointed unanimously by both houses of the United States Congress by concurrent resolution, gave the Conference a place in history.

The Historic Congress Resolution. "The Resolution itself," the Canadian Prime Minister told the Canadian House of Commons, "will, in time, become an historic document." Its passage through both houses of Congress without dissent was noteworthy. Since in the matter of historical "first things," out of which institutions grow, the way in which the thing is done is important, we should note the details of the arrangement set out in the resolution as passed by the Senate on Friday, June 18, 1943.⁶

"Resolved by the Senate (the House of Representatives concurring): That the Senate and the House of Representatives hereby accept the invitation tendered by the Speaker of the Senate of Canada and Joint President of the Empire Parliamentary Association, Dominion of Canada Branch, to have four Members of the Senate and four Members of the House of Representatives attend a meeting to be held in Ottawa, Canada, during the period June 26 to July 1, 1943, at which the Dominion of Canada Branch of the Empire Parliamentary Association will be host to a delegation from the United Kingdom Parliament and to delegations from the legislative bodies of Australia, New Zealand, and Bermuda. The President of the Senate and the Speaker of the House of Representatives are authorized to appoint the Members of the Senate and the Members of the House of Representatives, respectively, to attend such meeting and are further authorized to designate the chairman of the delegations from each of the Houses. . . ."

The resolution concluded by authorizing payment of the expenses of the United States delegation, up to \$2,000, from the contingent fund of both houses. Naturally, there were informal approaches and discussions at least a year before this formal step was taken. The very formality of the step marked its importance; but it would have been difficult to take such a step informally, as is done through the machinery of the Empire Parliamentary Association, since Congress does not possess any association uniting congressmen of all parties in both houses in a common body officially recognized and empowered to act for them in their common capacity as parliamentarians.

The delegation from the United States Congress was composed of the chairman of the Senate Foreign Relations Committee, Tom Connally (Democrat, Texas); the chairman of the House Foreign Affairs Committee, Sol Bloom (Democrat, New York); the deputy leader of the Republican party in the Senate, Warren R. Austin (Republican, Vermont); the ranking Republican member of the House Foreign Affairs Committee,

⁶ *Cong. Rec. (Senate)*, June 18, 1943. The resolution passed the House of Representatives on June, 22.

Charles A. Eaton (Republican, New Jersey); and other well-known senators and congressmen: Senator Harold H. Burton (Republican, Ohio), Congressman Luther Johnson (Democrat, Texas), and Congressman John M. Vorys (Republican, Ohio).⁷

Parliamentarians of the Anglo-Saxon Family. The two-day discussions (June 28 and 29) between the parliamentarians of "the two branches of the great Anglo-Saxon family" (to use the words of the Speaker of the Canadian Senate, the Hon. Thomas Vieu, who presided at the opening meeting) were devoted to the following subjects:⁸ (1) "Democratic Government in War and Peace," opened by Hon. L. S. St. Laurent, Canadian Minister of Justice and Attorney-General, followed by Senator Warren R. Austin; and (2) "British Commonwealth-American Relations," opened by Senator Harold H. Burton, followed by Sir John Wardlaw-Milne (U.K.) and Congressman Luther Johnson. These subjects were chosen as unlikely to be controversial—for no one quite knew what would happen when the parliamentarians of the Anglo-Saxon family had their first meeting face to face.

As soon as the delegates met, however, it became clear that what mattered to them was not the subjects on the agenda, but the fact of being together. They were plainly glad to be together, to discover that they had so much in common and had such a will to agree. One thing that helped was that with the partial exception of Canada the delegates were not cabinet ministers, but back benchers, "the rank and file of our legislative bodies," as Mr. M. J. Coldwell described them in the Canadian Parliament.⁹ The delegates discovered their fellow-feeling as parliamentarians. All were elected by the people to serve as guardians of parliamentary institutions; as one American delegate put it, they were engaged together on a great parliamentary crusade. The last American word spoken gave their "finding" on the Conference: that it showed a unity of purpose—a meeting, not a division, of minds.

One of the leaders on the American side spoke of all members of the Conference as engaged in an exchange of views "with the curtain of formality removed, with hearts open and candor prevailing, with men disclosing their own problems to each other." This interchange revealed that under the impact of the same realities the minds of parliamentarians in

⁷ Senator Walter F. George (Democrat, Georgia), chairman of the Finance Committee of the Senate, who was also a member of the delegation, was prevented by official business from attending.

⁸ In accordance with the unbroken custom of these informal gatherings of Parliamentarians, the press was not admitted and no report has been published. A full verbatim *Report of Proceedings* of the whole Conference was, however, printed and privately circulated under the authority of the Empire Parliamentary Association (Dominion of Canada Branch).

⁹ House of Commons Debates, July 29, 1943, Vol. LXXXI, No. 99.

their different countries were moving in the same direction and to similar conclusions. The delegates were fully alive to the fact that later conferences, less under the emotion of this first meeting and with the shadow of imminent danger lifted, will find plenty of healthy differences to discuss. But in this first gathering, and in the ensuing two days' discussions in the Capitol in Washington, all the parliamentarians who shared in the event were preoccupied with the greatest single fact in the present political structure of the world—that the United States and the nations of the British Commonwealth are branches of the same family tree.

"New Acquist of True Experience." To what degree there was "new acquist of true experience from this great event" is not easy to assess because the experience was so much in the realm of the political imponderables. But it was evident to those who witnessed the event that the delegates learned much in several directions.

From this first massive personal contact with many of the elected representatives of the American people the British Commonwealth delegates gained invaluable insight into the trends and cross currents of American thinking about international affairs, including American relations with the Commonwealth as a whole and its individual nations. This understanding was further aided by the issuing early in 1944 of a new quarterly journal, circulated to members of Parliament throughout the Parliaments of the British Commonwealth, summarizing Congressional proceedings and legislation with special emphasis upon discussions on subjects of interest to the British Commonwealth.¹⁰ This new journal and the long-established quarterly *Journal of the Parliaments of the Empire* themselves form an important link between the parliaments of the English-speaking peoples; they are circulated in each of the Parliaments and give each member an authoritative quarterly summary of the debates and legislation of all the Parliaments.

The British Commonwealth Family System. The American delegates on their side passed through a new political experience. They found themselves caught up in the family life of the British Commonwealth as exemplified in the community of the Parliaments of the Commonwealth. They were able for the first time to explore as a reality, from inside, what hitherto had been seen as in a glass darkly. They were able to see with their own eyes, pushing aside the cloudy lens of the national tradition which held it to be against nature for daughter states to remain attached to a mother country in a closely knit political organization. They heard

¹⁰ *Summary of Congressional Proceedings, U.S.A.*, Vol. 1, No. 1, issued under the authority of the Empire Parliamentary Association (United Kingdom and Dominion of Canada Branches); published by the Oxford University Press, Toronto, Canada. The first number appeared in May, 1944, and dealt with debates from September to December, 1943.

delegates from each of the Commonwealth's Parliaments refer repeatedly and with deep feeling to their pride in, and loyalty to, the Commonwealth and their determination to keep their family system intact for many reasons, and especially because it is the one successful international mutual security system in history. It is no secret that all the American delegates came back to Capitol Hill deeply impressed by the political and spiritual unity of the Commonwealth and Empire, and with the living demonstration they had seen that fervent patriotism is quite compatible with deep pride in and loyalty to a wider association of nations.

On one practical point there was agreement on all sides—the importance of holding further similar parliamentary meetings. The general feeling on this point, both of those present at Ottawa and of the number of Congressmen who voiced their regret at having missed this experience, was summed up in a remark of an American delegate on July 1 that there was “an infinite amount of unfinished business” left over at Ottawa and they must get on with it. Sensing this feeling, the chairman of the Conference in Ottawa refused to close the meeting and declared it “adjourned sine die.”

The Parliamentary Angle of Peace. The experience as a whole impressed the delegates with the importance of a neglected aspect of the problem of an international peace organization, namely, its parliamentary angle. If, as some of them reflected, close interparliamentary relations have played such an important rôle in maintaining the unity of the British Commonwealth and its effectiveness as an international organization, it is surely necessary to pay more attention to the parliamentary angle of peace machinery than has yet been done. Senator Austin's judgment on this point as expressed in two speeches in the United States Senate is referred to below.

In the Parliaments of London, Ottawa, and Washington, these events aroused considerable interest. Each Parliament noted and commented upon the discussions in the others, thus producing an intermeshing series of statements.

Discussions in the Parliaments and Congress. The series began with a statement by the Canadian Prime Minister, on the closing day of the Conference, on its historic significance. The leaders of all parties in the House made supporting speeches. On July 3, the entire text of this Canadian discussion was read into the *Congressional Record* for the House by Congressman Eaton, and for the Senate by Senator Austin; and the latter made a speech dealing with the significance both of the Conference and the visit to the Capitol. This in turn echoed back into the Canadian Parliament on July 7, drawing an appreciative reference from the Prime Minister and a summary by Mr. Diefenbaker of the main points made by Senator Austin.

London followed suit. On its return, the British delegation made a report on the Conference and visit to Washington, to which was appended the full text of the concurrent resolution of Congress, the Canadian discussions, June 29 and July 7, and Senator Austin's speech in the Senate on July 3.¹¹ This was followed on October 28 by a statement on the Conference to the House of Commons by the British Prime Minister, and a long discussion on the same day in the House of Lords, with noteworthy speeches by Viscount Stansgate, leader of the British delegation at the Conference, Lord Marchwood, a member of the delegation, and Viscount Cranborne, Secretary of State for the Dominions. These statements, in turn, echoed back into the Capitol at Washington, and Senator Austin read them in their entirety into the *Congressional Record* for the Senate on November 12, prefacing them with an important speech.

The discussions in the two houses of the British Parliament took as their point of departure the resolutions of both houses of the United States Congress accepting the invitation to Ottawa and noting the reports made on its results. Mr. Churchill dwelt upon the two historic first occasions marked by the event: the first attendance of an American delegation at such a Conference, and the first admission of a group of British Commonwealth Parliamentarians to the floor of the United States Senate. In the House of Lords, Viscount Stansgate took as his theme the contribution made by the meeting towards the closing of the ancient rift in the family. The British delegation had reminded their American colleagues of the rôle played by Lord Chatham on the eve of the American War of Independence and of "the unanimous resolution of the House of Commons denouncing the war." The presence of Dominion representatives had helped to drive home to the Americans an understanding of the closeness of the Commonwealth to the United States. "We had amongst us," Viscount Stansgate said, "representatives of the sovereign Dominions, men of pioneering courage and downright speech, cast in the American mold, each mindful of his national interest, but all united under the common crown and by a common belief in freedom. I believe that unity greatly impressed our American friends." Parliament followed up this debate by passing unanimously on March 14, 1944, a private member's resolution inviting a Congressional delegation to visit Parliament.¹²

¹¹ *Report of United Kingdom Delegates upon the Parliamentary Visit and Conference, Dominion of Canada, including a Congressional Reception in Washington, D. C., and a Subsequent Visit to Bermuda* (June-July, 1943.) (Printed for private circulation.) For the discussions of June 29 and July 7 in Canada, see *Journal of the Parliaments of the Empire*, Vol. XXIV, pp. 568-571. For the discussion on November 12 in the British Parliament, see *ibid.*, pp. 752-757.

¹² The resolution, which is still before Congress and will be acted upon probably after the presidential election in November, was moved by Major A. N. Braithwaite. It reads as follows: "This House, desiring to promote closer association between the

The Role of Parliaments in a Peace System. Mr. Churchill, in his speech on November 12, had touched upon one of the secrets of the British Commonwealth system of a union of freely associated states, namely, the intensive cultivation of the element of personal contact and interchange of opinion at all working levels. In closing the discussion for the Government on the same day, Viscount Cranborne reverted to this point in words which touch the heart of the whole problem of conducting international relations in a world of sovereign states. "After all," he said, "free and frank personal discussion remains, even in these days of telegraphs and wireless, the only entirely effective way of removing misunderstanding between men."

Senator Austin's mind was working actively on the same point. He touched on it in his first speech on July 3 by saying that he saw "endless possibilities of understanding and achievement" from such a conference of parliamentarians as had taken place at Ottawa, because Parliaments "are closest to the people of the democracies." But the point emerges with the clarity of final conviction in his subsequent speech on November 12. "I now repeat," he told the Senate, "with more confidence than ever, that the progress of the world toward law and order established upon the spiritual foundation of that power that resides in the people themselves, could be attained more expeditiously, and be placed upon a more secure basis, if the peace-loving nations would establish a habit of meeting through committees of their parliamentary bodies." He thought that to give the people in each country a continuing understanding these meetings ought to be held frequently. "I am firmly persuaded," he told the Senate, "that the representatives of the people on the parliamentary level are better equipped to inform the people than is any other branch of government." The value of this new practice would increase, he suggested, as the end of the war came closer.

This conclusion manifestly represents a mingling of two streams of experience. On the one hand, there is the experience on the American side of the difficulty of conducting foreign relations on the executive level unless congressmen are more actively in touch with international affairs so that they can play their rôle under the Constitution in conjunction with the executive power and at the same time educate their constituents. The second stream of experience is that of the British Commonwealth in which, even though under the cabinet system ministers are parliamentary leaders, it has been found necessary to supplement conferences

British Parliament and the Congress of the United States, requests Mr. Speaker, on its behalf, to invite the Congress of the United States to send a delegation of its members to visit Parliament at as early a date as may be convenient." See *Cong. Rec. (Senate)*, Vol. 90, p. 3198 (Mar. 28).

of the governments and personal contacts at the official level with relations at the parliamentary level.

The Ponderables and the Imponderables. It is important that the lesson of this experience be read aright if it is to be applied steadily amongst the English-speaking peoples, as well as to the development of interparliamentary relations in a wider sphere. Success in the British Commonwealth and in the special sphere of British Commonwealth-American parliamentary relations has been due to several factors. Some cannot be transplanted because they are of a spiritual character, deeply rooted in history; among them in the British Commonwealth is the common allegiance to the crown, with the common citizenship springing from it which has far-reaching psychological as well as political and legal significance. Another, which is shared in part with the United States, is the common background and family relationship. These factors, which are not matters of mechanics, are likely to continue to make for a specially close relationship between British Commonwealth Parliaments and Congress—which between them are the founders and continuing mainstay of parliamentary institutions in the world.

But there are others of a more mechanical kind, which can easily be applied in a wider field, and are yet of such importance that they can make all the difference between relative success and failure. Among such factors, which were seen in action at Ottawa, the following may be mentioned: the selection of representative all-party delegations where possible through an all-party association of members bringing together members of both houses in their common capacity as parliamentarians; the holding of all meetings in private and "off the record"; free and untrammelled discussion, combined with a careful avoidance of specific proposals or resolutions; and the giving by each Parliament of every possible facility in the intervals between regular conferences for close personal contact with visiting parliamentarians.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The nominating committee of the American Political Science Association, aided by suggestions from members of the Association through the canvassing ballot which closed on June 15, has completed its work and will submit at the January meeting the following list of nominees for officers for 1945: president, John M. Gaus (University of Wisconsin); first vice president, Robert T. Crane (Social Science Research Council); second vice president, James K. Pollock (University of Michigan); third vice president, Dorothy Schaffter (Connecticut College for Women); members of the Executive Council: Edward F. Dow (University of Maine); Robert J. Harris (Louisiana State University); John G. Heinberg (University of Missouri); Walter H. C. Laves (University of Chicago); and Chester C. Maxey (Whitman College). The nominating committee consists of Lloyd M. Short (chairman), Francis W. Coker, Denna F. Fleming, James Hart, and Charles McKinley.

Upon his resignation, in July, as price executive of the Consumer Durable Goods Branch of the OPA, Mr. Alfred Auerback was succeeded by the former associate price executive, Dr. Harvey C. Mansfield, who before joining the OPA's staff in 1942 was on the faculty of Yale University.

Dr. Harold W. Stoke, professor of political science and recently acting dean of the graduate school at the University of Wisconsin, has accepted the presidency of the University of New Hampshire. When elected to the post, he was on leave from Wisconsin and holding a research appointment in the U. S. Bureau of the Budget.

Professor Clarence C. Ludwig, of the University of Minnesota, addressed the annual convention of the Union of Nova Scotia Municipalities, August 15, at Parrsboro, Nova Scotia, on "How a University Bureau Can Serve Municipal Government."

Professor Clarence A. Berdahl returned in September from London, after completing his work there with the Office of Strategic Services, and has resumed the chairmanship of his department at the University of Illinois.

Professor Howard White is on leave from Miami University until September, 1945, and during the interval is serving as educational adviser for the Southern Regional Training Program for Public Adminis-

tration conducted jointly by the Universities of Alabama, Georgia, and Tennessee.

A new program emphasizing graduate work in the George Washington University School of Government was inaugurated this fall under the direction of Dr. William C. Johnstone as dean and Dr. Arthur E. Burns as assistant dean.

Dr. Shepherd L. Witman, formerly of the New Jersey College for Women, has become director of the Council on World Affairs in Cleveland and also associate professor of political science at Western Reserve University.

Professor William S. Stokes, of Northwestern University, visited Cuba during the past summer in quest of materials pertinent to a study of parliamentary government in Latin America on which he has for some years been engaged.

Professor Ray F. Harvey, of New York University, has recently been appointed head of the research and planning division of the New York State Veterans Commission, an agency established by action of the state legislature in the spring of 1944 to study veterans' problems and make recommendations to the legislature in the spring of 1945.

Dr. Charles Prince has resigned his visiting professorship at Indiana University and accepted an appointment as chief analyst, Foreign Broadcast Intelligence Service, Federal Communications Commission, Washington, D. C.

Dr. Donald B. Edgerton has become a member of the department of American government and politics at Eau Claire State Teachers College, Wisconsin.

At Western Reserve University, Dr. Christian L. Larson has been promoted from an assistant to an associate professorship.

Dr. Hans Aufrecht gave instruction in German history and institutions in the A. S. T. P. at Cornell University last winter and spring, and lectured at New York University during the second term of the 1944 summer session on twentieth-century diplomatic history.

Dr. Benjamin E. Lippincott, former associate professor of political science at the University of Minnesota, has been promoted from Captain to Major by the 13th AAF at an advanced Southwest Pacific base. Major Lippincott has been overseas since January of this year.

In the absence of Professor Henry Reiff, Professor Richard L. Power is serving as chairman of the department of history and government at St. Lawrence University.

Dr. John B. McConaughy, formerly of Duluth State Teachers College, has been appointed associate professor of political science at the University of South Carolina.

Professor Walter R. Sharp, of the College of the City of New York, has been appointed chief of organizational planning on the staff of the United Nations Interim Commission on Food and Agriculture. Professor Sharp has charge of the preparation of administrative and procedural documentation for the first meeting of the Conference of the projected Food and Agriculture Organization of the United Nations, which will probably take place early next year.

Professor Edward H. Buehrig, of Indiana University, has been appointed to a position with the Division of International Security and Organization in the Department of State. He has a leave of absence for the academic year 1944-45.

Dr. James K. Eyre, Jr., recently assistant professor of government at Sweetbriar College, has accepted appointment as special assistant to President Sergio Osmena of the Philippine Commonwealth and to Colonel Carlos P. Romulo, Philippine resident commissioner to the United States.

A new contingent of men in the Far Eastern Area and Language Program has been assigned by the Army to the University of Minnesota. Professor Harold S. Quigley continues as program director.

Dr. Earl G. Latham, now serving as assistant director of the Division of Field Operations of the U. S. Bureau of the Budget, has been promoted to the rank of associate professor at the University of Minnesota, and Charles H. McLaughlin, First Lieutenant in the Army Air Corps, has been promoted to the rank of assistant professor.

Lieutenant Philip B. Willauer, of the U. S. Navy, now on leave from the University of Pennsylvania, has been ordered to Hawaii.

The twenty-fourth annual meeting of the National Council for the Social Studies will be held in Cleveland, November 23-25. The sessions will be focused upon the problems and issues facing social studies teachers in the forthcoming transition from war to peace.

At the ninth annual Institute of Government, held at the University of Washington between July 24 and 28, a record number of sections were arranged and the active participation of a large number of public officials was secured, among them Governor A. B. Langlie, Senator Mon Wallgren, and Congressman Warren Magnuson. Mr. Lloyd Schram is director of the Bureau of Government Research which sponsored the Institute.

Under the United States Office of War Information, thirty-eight Information Centers have been prepared for England and the Continent in order to provide information for the liberated countries whose libraries have been looted and destroyed during the war years. In July and August, a unit was put on view in Manchester through the coöperation of the Manchester Central Library, and under the supervision of Professor Irwin M. Tobin, on leave from Rhode Island State College as Information Specialist, O.W.I. The American Information Centers on the Continent are to be the foundation of reference libraries on the United States for the use of all groups of individuals—particularly local officials, libraries, leaders of professional and civic organizations, publishers, writers, and speakers, in the locality where they are set up, as well as for military and civilian personnel of all the United Nations. In addition to a basic reference library, indexed materials files contain pamphlets, background articles, maps, charts, government documents, picture files and exhibit kits, radio scripts for reference, and a small library of 16 mm. and film-strip pictures and projectors. Copies of professional and popular magazines, which will be received regularly at each operating Center, will be on display, together with special exhibits of children's books and textbooks. Dr. Richard H. Heindel, formerly of the University of Pennsylvania, and at present in charge of the American Library in London, has been one of the persons interested in developing the Information Center Units.

Since its original appointment in 1941, the American Political Science Association's Committee on Congress (now known as the Committee on American Legislatures) has been the spearhead of an effort to stimulate Congress to study and reform its machinery and procedure; and a few months ago this effort bore fruit in the concurrent passage by the Senate of the Maloney-Monroney Resolution under which the two houses should set up a Joint Committee on the Organization of Congress charged with studying and reporting on all aspects of Congressional operation. Further to encourage and assist in the project, the Association's Committee, under the chairmanship of George B. Galloway, has launched an incorporated Commission on the Organization of Congress, with officers, a board of directors, and an advisory council; and various distinguished persons—political scientists, newspaper editors, and others—have indicated their willingness to coöperate in such capacities, the general chairmanship having been offered to President Clarence A. Dykstra of the University of Wisconsin. As set forth in the certificate of incorporation, the objects of the Commission will be "to distribute throughout the United States authoritative information on the existing organization and operation of the Congress of the United States and on changes in legislative machinery and methods proposed by members of Congress and by

private citizens and groups with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States government, and enabling it better to meet its responsibilities under the Constitution, and to cooperate generally with all bodies or groups in such measures."

Supplementary List of Doctoral Dissertations. A number of items were erroneously omitted from the 1944 list of doctoral dissertations in political science now in preparation in American colleges and universities, published in the August, 1944, issue of this REVIEW. To the published list the following dissertations, all in progress at the University of Minnesota, should be added:

Political Philosophy and Psychology:

Carroll Hawkins; A.B., West Virginia, 1934; A.M., Minnesota, 1937.

The Political Philosophy of Harold J. Laski.

Government and Politics of the United States and its Dependencies:

Asher N. Christensen; A.B., Minnesota, 1924. A Study of the Legislative Settlement of Contested Election Cases.

Constitutional and Administrative Law in the United States:

Roy Miller; A.B., Hamline, 1927; A.M., Minnesota, 1928. Municipal Civil Service Law in Minnesota.

American State and Local Government and Politics:

Ira Polley; A.B., Indiana, 1938. The Politics and Administration of State Labor Relations Acts.

Foreign and Comparative Government and Politics:

James W. Miller; A.B., Amherst, 1936; A.M., Minnesota, 1938.

Political Organization for Women and Young People in Great Britain.

Solomon Milner; A.B., University of Alberta, 1936; A.M., *ibid.*, 1938.

Governmental Control of Radio Broadcasting in Canada.

International Organization, Politics, and Law:

George W. Anderson; LL.B., University of Petrograd (present Lenin-grad), 1917. Aspects of Russian Policy in the Far East.

Nicholas Efimenko; A.B., Minnesota, 1937; A.M., *ibid.*, 1940. The Mandate Principle and Its Future Application in International Organization.

Clayton D. Ford; A.B., Minnesota, 1929; A.M., *ibid.*, 1930. The Open Door Doctrine in Sino-British Relations.

Robert G. Neumann; A.M., Amherst, 1940. Extradition and the Political Offender.

BOOK REVIEWS AND NOTICES

An American Dilemma; The Negro Problem and Modern Democracy. By GUNNAR MYRDAL, WITH THE ASSISTANCE OF RICHARD STERNER AND ARNOLD ROSE. (New York: Harper and Brothers. 1944. 2 vols. Pp. lv, iv, 1483. \$7.50.)

In this book, a Swedish economist presents his views of the race-relations problem in the United States after some two years of intensive study, during which he had the benefit of a large research staff and an ample travelling fund. The idea for such a study originated in the Board of the Carnegie Corporation, which decided that it appeared wise to seek as the responsible head of the undertaking some one who could approach his task with a fresh mind, uninfluenced by traditional attitudes or by earlier conclusions. The search was limited to countries of high intellectual and scholarly standards, but with no background or traditions of imperialism which might lessen the confidence of the Negroes in the United States as to the complete impartiality of the study and the validity of its findings. When an American foundation approaches a foreign scholar with a blank check, it must be ready to adopt a liberal spending policy. I have been informed that this study cost a third of a million dollars. It might be interesting to speculate whether an all-American research staff could have done as well or better for the money. However, in this case, it is my opinion that the result is admirable. Here is an outstanding social science treatise, brilliant, stimulating, and provocative.

Mr. Myrdal is friendly and sympathetic toward the United States, but at the same time he is a severe critic; and he is not patronizing, after the manner of some British observers of the American scene.

While the book deals with the economic, social, psychological, historical, and anthropological aspects of the problem, it does not neglect the political. As a matter of fact, I think that the book is one of the best political commentaries on American life that has ever been written, because it places its discussion of politics in a well-rounded social science setting.

There are many things in the book that some American readers will not like. No one enjoys having his faults revealed in all their nakedness. Mr. Myrdal does not spare us. He finds our Constitution impractical in many respects and ill-suited for modern conditions, our respect for law and order lacking, our administrative standards low, our interest in government deficient, our popular election of officers of the law and our jury system obstacles to impartial justice, our economic programs ill-considered in some cases, our legislation based upon insufficient research, and our political culture rudimentary. All of these criticisms are furnished in a

friendly constructive spirit, and Mr. Myrdal does not hesitate to offer suggestions for the improvement of our institutions and practices.

Mr. Myrdal also finds many things about the American scene that he likes. He is particularly impressed with what he calls the American Creed, and he thinks that the idealism in this creed will ultimately triumph over the materialism and selfishness in American life. As he puts it, "our problem is the moral dilemma of the American—the conflict between his moral valuations on various levels of consciousness and generality. The 'American Dilemma,' . . . is the ever-raging conflict between, on the one hand, the valuations preserved on the general plane which we shall call the 'American Creed', where the American thinks, talks, and acts under the influence of high national and Christian precepts, and, on the other hand, the valuations on specific planes of individual and group living, where personal and local interests, economic, social, and sexual jealousies, considerations of community prestige and conformity, group prejudice against particular persons or types of people, and all sorts of miscellaneous wants, impulses, and habits dominate his outlook." Mr. Myrdal's discussion of American political theory and its application in American life makes the Creed stand out as a living, dynamic influence.

As well as laying bare facts about American life, Mr. Myrdal is diligent in laying bare the assumptions which underlie American thinking about such an important problem as race relations. He points out that many American social scientists, posing as scientists, have really not been as objective as they thought they were. *Laissez faire* philosophy has been as common among American sociologists as among American economists.

Mr. Myrdal disclaims that he is writing a general treatise on American civilization. He says that he is discussing the Negro problem in its relationship to American democracy and America's place in world affairs. The more he got into the subject the clearer it became that this problem could not be discussed apart from the total setting.

As a member of the Swedish Senate, Mr. Myrdal thinks that it is not necessary to take a fatalistic view of human affairs. He presents a program for improvement and a challenge to those who have hopes for a better world.

HAROLD F. GOSNELL.

Washington, D. C.

The Use of Presidential Power, 1789-1943. BY GEORGE FORT MILTON.
(Boston: Little, Brown and Company. 1944. Pp. xiii, 349. \$3.00.)

Here is the fifth book dealing with the problems of the American presidency to be published in half a dozen years. It differs from the other four in not being the product of a university professor and in its approach to the subject. It serves rather to complement what has already been done.

No one need doubt that the author "has covered more than a thousand volumes, a number of which have been continually consulted." His reading has been thoroughly digested and the reflections are presented in well matured judgments.

Doubtless Mr. Milton is entitled to receive from political scientists some such gracious compliment as the late James Harvey Robinson paid the amateur historian when he wrote: "Mr. Wells manages to humanize the past." This is implied in the author's statement: "I have given no elaborate treatment of constitutional contentions or court debates, but have concerned myself chiefly with the personalities who held it and the crises they have had to meet." The method of treatment, then, is episodic rather than philosophical, and events illuminate the subject while they reveal the author's pattern of interpretation and justify his judgment of particular presidents.

While minor incumbents of the office receive at least passing attention, a systematic examination is made of eight "great presidents": Washington, Jefferson, Jackson, Lincoln, Cleveland, Wilson, and the two Roosevelts. Each of these in turn is subjected to examination with respect to the way in which he performed his duties as Chief of State, Chief of Foreign Relations, Commander-in-Chief of the Army and Navy, Chief of Government, Chief of Party, and Leader of Public Opinion. In the absence of standards for scientific measurement of presidential competence, the author's judgments are inevitably subjective, but throughout he has maintained a judicial poise and given opinions inviting but few dissents.

Of course the author never set out to make a mere scientific study of the presidential office. No essay that gives twenty-two pages to Thomas Jefferson and sixty to Franklin D. Roosevelt could ever be quite that. It is rather a book with a motive implied in the fact that not much less than half the pages devoted to the eight "great presidents" are lavished on the last two, Woodrow Wilson and Franklin D. Roosevelt. The culminating theme becomes that of the experience of the great office in two world wars. What guiding light can that experience throw upon the coming paramount issue as once again we come to grips with the problem of permanent peace?

Whatever inclination toward hero worship Mr. Milton may have is tempered by a salutary awareness of feet of clay. Cleveland failed to "perceive the great new duty upon the national government affirmatively to undertake these economic and social policies which the public from time to time concludes essential." As to Woodrow Wilson: "The unruly demons of the subconscious often overpower the guards which reason posts over man's unconscious mind." In his second term, Franklin D. Roosevelt "preached a new social gospel," but actually turned "from

moving mountains to building molehills." This "veritable genius in planning combined operations in the planetary war" has been a "genius in disorder" on the home front.

WILFRED E. BINKLEY.

Ohio Northern University.

The Atlas of Congressional Roll Calls. Volume I: The Continental Congresses and the Congresses of the Confederation, 1777-1789. EDITED BY CLIFFORD L. LORD. (Cooperstown, New York: New York Historical Association. 1943.)

This is the first volume of an *Atlas of Congressional Roll Calls* which, if published in full as planned, will run over forty volumes and will contain maps portraying, by a uniform legend, all yea-and-nay roll call votes in Congress from 1777 to 1937. The manuscript copy of the entire *Atlas* has been accumulated. The project was made possible by the existence of the WPA program and was accomplished by five years' coöperative labor by a large number of workers on the Historical Records Survey in New York City and New Jersey. Designed as a research tool for many types of historical study, the *Atlas* purports to include every recorded vote during the period covered by it. Every roll call has been mapped, including executive session votes, impeachment votes, and votes for the election of officers in each House. Each map is accompanied by a summary, giving the date, the name of the mover, and the gist of the motion, with citations to the published records of debates in Congress and to the House and Senate *Journals*. In addition, so runs the Introduction by Mr. Lord, "under the summary is the roll call, arranged by states (and districts for the House of Representatives), giving the name of each Congressman, his state (and district for Representatives), his party, and his vote on that particular question. Each volume is indexed by name, subject, and bill and resolution number. For the unicameral Continental Congresses and the Congress of the Confederation, the maps are published in chronological order: for the bicameral Congresses since 1789, they are arranged chronologically for each house, Congress by Congress. Each volume, for purposes of interpretation, also includes, where the information is available, maps showing the distribution of party strength in the two houses, the density of population, and the industrial development of the nation at the time of the Congress or Congresses covered."

With respect to the project as a whole, one may well agree with Mr. Lord that "it is impossible to probe at all deeply into this material without glimpsing the fields of research it opens up," both in testing the validity of existing theories of American history and political science and in providing the data for all sorts of new studies. Space does not permit reference to the many valuable suggestions for use of the *Atlas* made by Mr.

Lord. His Introduction should be read in full by all students of American history and government. This reviewer would also invite attention to the bibliography (pp. 19-25), wherein are listed the sources used in preparing the *Atlas*. The bibliography covers federal laws and court decisions and state laws, comprising a very handy bibliographical tool.

Referring more specifically to the first published volume of the *Atlas*, Dr. Dixon Ryan Fox, who supplies the Foreword, rightly asserts that "it is safe to say that no one will attempt to write extensively of American affairs in that critical time between the Declaration of Independence and the establishment of federal government under the Constitution without consulting the maps and roll calls that are before us—unless he is indifferent to criticism."

It could hardly be expected that in a coöperative work of the magnitude of the *Atlas*, criticism of format and details could be avoided. Here, however, the reviewer is largely disarmed by the explanations and frank admissions of Mr. Lord. He states that the small type used for the summaries and roll calls in the first volume resulted from a desire to reduce the size and cost of the completed work. He promises that the size of type in later volumes will be much larger and that other improvements will be made. A correction sheet lists errors of omission and commission made by the printer and by the editing staff. This list ought to accompany each copy of the *Atlas*. Numerous additions might be made to this list, but instead of dwelling on such details, I prefer to commend the scholarly skill of the directors and editors of the project and the industry of the individuals engaged in the research. The *Atlas* is an excellent example of what can be accomplished by systematic coöperative effort. It is to be hoped that the entire *Atlas* will be published in the near future.

EVERETT S. BROWN.

University of Michigan.

Public Spending and Postwar Economic Policy. BY SHERWOOD M. FINE.
(New York: Columbia University Press. 1944. Pp. vi, 177. \$2.50.)

Sufficient time has now elapsed to permit objective analysis of the New Deal public spending program of the 1930's and scientific evaluation of it in terms of the objectives sought. This compactly written, well-documented volume attempts such an analysis and evaluation. The author, who is Principal Economic Analyst for the Foreign Economic Administration, begins with an examination of contemporary theories on public spending and its place in the economy of the nation. The efficacy of a properly timed and planned "pump-priming" spending program in leveling off cyclical business depressions and setting in motion recovery impulses, as expounded by the Keynes school of thought, is first explored critically. Then follows a fuller exposition and criticism of the still more

unorthodox fiscal theories of Professor Alvin H. Hansen, under whom as a Littauer Fellow at Harvard in 1939-1940 Dr. Fine carried forward this study in its earlier stages. The pupil is not ready to accept in full the "secular-stagnation" thesis of his preceptor, with its contention that the system of private capitalism has evolved to a point in America where it is no longer capable of absorbing the full productive energies of the nation without a very substantial and continuing compensatory public spending program.

In the light of this theoretical background, the author proceeds to an examination of the New Deal fiscal and public spending program of 1933-1940. Although he does not assess it as a complete failure, he finds in it much to criticize. Among the many flaws noted are: (1) too great attention to work relief considerations at the expense of economic recovery aims; (2) inadequate coordination of federal taxation and spending policies; (3) over-emphasis upon wholly self-liquidating projects at the expense of socially useful, but non-self-liquidating and partially self-liquidating, projects; (4) failure to induce resumption of normal public-works spending by state and local units of government, with a resultant assumption of a disproportionately large share of the financial burden by the national government; and (5) a timidity of approach and uncertainty of aim which resulted in achievement of only a partial and insecure business recovery by 1940.

On the possibility of full utilization of the nation's economic resources in the postwar era, the author strikes a subduedly optimistic note. Chief reliance must be placed on private enterprise. More fundamental than lavish expenditures on public works in bringing about full production and employment in the postwar period are, he contends, an overhauling of the national tax structure so as to encourage the venture of private capital into new enterprises; governmental measures designed to insure a more efficiently functioning competitive price system; and, on the international front, exchange stabilization, reduction of trade barriers, and financial aid to industrially backward nations. He sees for governmental spending only a secondary and residual rôle in bringing about full utilization of the economic potential.

The study might be criticized for its rather narrow confinement to issues and problems of a purely economic character. Political factors which are inextricably involved in the planning and execution of a public spending program under our form of government are for the most part merely recognized, not discussed. However, the author fully acknowledges the limitations of his work in this respect. As a timely analysis of the economic factors involved in public spending to achieve and maintain full production and employment, this is a most penetrating and thought-provoking work. It deserves the earnest attention of the professional student of public

affairs, the government planner, the business man, and, above all, of those who determine in our legislative halls our public spending policies.

JOSEPH E. KALLENBACH.

University of Michigan.

Federal Grants for Vocational Rehabilitation. BY MARY E. MACDONALD
(Chicago: University of Chicago Press. 1944. Pp. xiii, 404. \$2.50.)

This monograph is the result of a study of the federal grant-in-aid program for vocational rehabilitation from the beginning of the program in 1920 to 1943. Based on an examination of documentary materials, the volume is devoted primarily to the history of federal legislation for vocational rehabilitation, and to the federal administrative machinery and federal administrative practices and policies which have been evolved to carry out the program. One chapter is devoted to state administration, but emphasis is placed on only those aspects of state vocational rehabilitation programs which have been affected by federal policy through the grant-in-aid system.

According to the story here told, the federal program has been far from satisfactory. The number of disabled persons who have been served is found to have been "extremely small in comparison with estimates of need" (p. 329), and the types of services rendered are found to have been insufficient to meet the needs of the persons being rehabilitated (p. 331). The program has been handicapped by the fact that it has been treated largely as only a phase of the vocational education program, with its administration largely in the hands of vocational education authorities on both federal and state levels. Vocational rehabilitation, it is convincingly argued, "is a problem of individual adjustment in which vocational training is only one of many resources to be utilized" (p. 96).

Federal administrative authorities are blamed for having too narrowly restricted the services for which grants to states could be used when the law would have permitted a wider range of services. The author adopts the view that vocational rehabilitation should be defined in terms of unrestricted service with a specific objective, i.e., placing the disabled person in employment. It is insisted that the disabled person's vocational adjustment frequently requires not only services which are strictly vocational in nature, but also numerous other services, such as medical and surgical care. However, as a result of administrative rulings, the services embraced have been confined principally to vocational guidance, training, and the giving of placement assistance. By amendments adopted in 1943, Congress has gone far toward correcting the deficiencies of administrative policy by providing for a more comprehensive program; but the program must still be limited to a specific list of services as set forth in the new law.

The volume should be of great interest to social workers, and it should be of considerable value to political scientists interested in federal-state relations. The author has performed a useful service in pointing out the major shortcomings of the federal vocational rehabilitation program, and in directing attention to some of the more important problems of federal grants-in-aid. She demonstrates the importance of extreme care in the determination of federal policy where, in grant-in-aid programs of this nature, federal policy sets the pattern for state action.

WALTER H. BENNETT.

University of Alabama.

The Settlement of Industrial Disputes. BY KURT BRAUN. (Philadelphia: The Blakiston Company. 1944. Pp. xii, 306. \$3.50.)

The purpose of this book, the author states, is "to present as comprehensive a survey as possible of ideas, theories, problems, regulations, and practical experience pertaining to labor disputes and their settlement." This sounds like an appallingly large order, but the logical and systematic approach of the author reduces the task to one of workable proportions. Naturally all of the blood, sweat, and tears characteristic of this field are organized right out of the subject, but that is one of the consequences of the scholarly method.

There are four basic ways, under the author's classification, for settling industrial disputes—direct negotiations, mediation or conciliation, arbitration, and litigation. Direct negotiation is of course basic in industrial relationships, and it is only after it has broken down that the more specialized methods of handling disputes, calling in outside persons and machinery, are invoked. The three parts of this book are devoted to a consideration of those three specialized types of settlement.

In the first part, the author sets down the "principles" of mediation, that is, he defines the process and describes in general terms the procedures, types of agencies, methods, parties, etc., typically found in mediation, as well as the relation of this to other forms of settlement. These principles are followed by accounts of the actual experience of conciliation agencies in the United States (the U. S. Conciliation Service and the National Mediation Board) and Germany. There are also short chapters on state systems, based on analysis of statutes, and on the scanty experience of municipalities in this field.

The somewhat longer second section on arbitration is organized on the same pattern, with a general statement of principles, followed by the experience of federal, state, municipal, and private systems. A final section deals with labor courts, and since there are none in the United States, the experience emphasized here is that of the German labor judiciary.

The book is a systematizing and synthesizing job done with great skill.

The most timely contribution is undoubtedly the excellent treatment of the War Labor Board, a war agency which, the author believes, is yielding experience valuable for the post-war period. He examines the status and weaknesses of the National Defense Mediation Board, out of which the War Labor Board evolved, and analyzes the composition, jurisdiction, and procedure of the present Board. He notes the peculiar position of the Board with respect to enforcement of its orders through presidential seizure, but expresses no views as to possible alternatives.

The author points out in his conclusion that machinery for settling labor disputes is usually set up in a piecemeal fashion to deal with difficulties apparent at the moment. He argues for the eventual consolidation of these single steps into an integrated system, so that disputes will move smoothly along the line from direct negotiation to mediation, then to arbitration, and finally to judicial decision and enforcement. Government must provide the machinery for the last stage; for the other stages, it need act only where private methods do not exist or are incomplete.

C. HERMAN PRITCHETT.

University of Chicago.

Omnipotent Government; The Rise of the Total State and Total War. BY LUDWIG VON MISES. (New Haven: Yale University Press. 1944. Pp. iv, 291. \$3.75.)

Professor Von Mises introduces this book with complaints that academic reviewers deal unfairly with authors who oppose governmental regulation of private enterprise. An attempt will be made here to follow closely the author's own statement of his views.

The author's stated aim is to consider the international aspects of omnipotent government. Yet he deals generally with our recent disorders, internal as well as international. His thesis is that omnipotent government, which makes international coöperation impossible and war inevitable, is itself the consequence of the domestic economic policies of governments. Our troubles have been brought on by our abandonment of "liberalism." The essence of liberalism is private enterprise. All the other vaunted values of liberalism—free elections, freedom of conscience, religion, and the press, freedom in research, art, and literature—are only the consequences or "corollaries" of free enterprise, the "market society," "capitalism." There is no middle ground. "There can be no mixture of socialism and capitalism." The aims of middle-of-the-roaders ("interventionists") may be, not to do away with private enterprise, but only to regulate its operation "through isolated measures of interference"; but the results are the same. Governmental interventions for the benefit of one group can be carried out only by taking benefits away from other groups; government-sustained living standards can be safeguarded in one country only by

keeping out imports and migrants from other countries; such aids and restraints can be supplied only by omnipotent and ultimately war-making governments. Thus the inevitable movement is from social legislation through economic nationalism to totalitarian government and war. "If Europeans and the peoples of European descent in other parts of the earth had not yielded to *étatisme*, if they had not embarked upon vast schemes of government interference with business, our recent political, social, and economic disasters could have been avoided."

Who have been responsible for the disasters? Not "the lower classes"—"workers," "proletarians," "farmers." There has been no "revolt of the masses." Generally the anti-liberal, anti-capitalist leadership has come from "the upper middle class" or from "aristocratic families." The instigators have usually been doctrinaire "intellectuals," "scholars," "writers," "orators," "social scientists," "omniscient professors," aided by "philosophers," "historians," "lawyers," "the clergy," "the Roman Church," "churches of all creeds." The whole débâcle is "the outcome of cool though misguided reasoning. The carefully elaborated, although erroneous, doctrines of scholarly and thoughtful books have led to the clash of nations, to bloody wars and destruction." Thus the distinctive mark of National Socialism is not economic nationalism or totalitarian and repressive government, but only the search for *Lebensraum*. "*The fundamental tenets of the Nazi ideology do not differ from the generally accepted social and economic ideologies. . . . It does not matter that the British call these principles an outgrowth of liberalism and economic democracy, while the Germans, on better grounds, call them anti-liberal and anti-democratic. It is not much more important that in Germany nobody is free to utter dissenting views, while in Great Britain a dissenter is only laughed at as a fool and slighted.*"

The present war is not a product of the treaty arrangements following World War I. "The mischief was not that the treaty of Versailles was bad, so far as Germany was concerned, but that the victorious powers permitted Germany to defy some of its most important clauses." Reparations were not responsible for Germany's economic distress; if she had been forced to pay them, she would simply have had that much less to spend on rearmament. Inflation in Germany was the result of policies advocated by her academic socialists—the price controls, exchange restrictions, expanded bank credits, etc. Thus Germany's internal troubles were of her own making; she was able to start a war to cure her troubles because the Allied powers failed to stop her from arming; and their inaction was the result of their preoccupation with their own economic nationalism.

When the Allies win this war, what can be done to reduce the chances of another early war? To prevent the Axis powers from starting war again,

the Western democracies should form a "permanent union"; they should totally disarm Italy, Germany, and Japan, prevent them from manufacturing armaments, force them to pay indemnities for their territorial and other "robberies," and punish the leaders responsible for the "tortures and murders." The author is not hopeful that the democracies will long avoid warring among themselves, because he is not hopeful that they will move back far enough towards an order of free domestic markets, unrestricted foreign trade, and free migration between the democracies. He is certain that an order of durable peace and freedom can be made sure only in a world of "pure, perfect, and unhampered capitalism."

The actual limitations on capitalism, existing everywhere and becoming more obvious during the past two generations, afford, most readers will probably agree, a proper subject for thorough and dispassionate study. We ought to consider critically the methods employed, the results accomplished, the difficulties and possible dangers ahead. Professor Von Mises believes that he has made such a study; and he finds the results unmitigatedly bad. He believes that we ought not to have any price controls, wage or hour regulations, health or unemployment insurance, redistributive taxes, or protective tariffs. He should be commended for his forthrightness. Others who urge us to restore free enterprise are not so rigorously consistent. Thus in the United States in 1944 the Republican party has adopted a platform that endorses a score of governmental regulations and aids, including the long familiar protective tariffs. Indeed Von Mises might well have included business men in his historical enumeration of the instigators of interventionism.

The author, here as in his earlier analysis of socialism (first published in 1922), displays considerable dialectical skill. Readers cannot well deny the effectiveness of some of his challenges of the whole complex of recent socialist and liberal-collectivist ideas. Yet (the reviewer believes) Professor Von Mises has not considered, broadly and dispassionately, either the moral implications or the practical economic consequences of his own extreme doctrine. For we have always had mixtures of private enterprise and governmental regulation. And if it is true that we do not think enough about what a purely socialist order would be like, it may also be true that we do not think enough about what an order of pure, unhampered (and unaided) capitalism would be like.

FRANCIS W. COKER.

Yale University.

Prelude to Silence; The End of the German Republic. BY ARNOLD BRECHT.
(New York: Oxford University Press. Pp. xxi, 156. \$2.00.)

Our libraries are full of books on present-day Germany. Many of these make interesting, even sensational, reading. Very few of them contribute

material to the research of political scientists and historians. It seems that the authors either despair of unraveling the complex problems of German domestic policy before Hitler or try to over-simplify them so as not to ruin the market for their books. The result is a growing confusion and superficiality in the discussion of the German question.

Arnold Brecht's book belongs to a quite different type of publication. It is probably the first successful attempt at re-telling and re-analyzing the story of the loss of personal freedom in Germany as a problem of constitutional law and fateful mistakes and shortcomings in the German parliamentary and party system. Nobody is better equipped to write about the long crisis and final ruin of the German constitution than Mr. Brecht. As an outstanding expert in German constitutional law and one of the highest civil servants for many years, he has not only seen the German and Prussian parliaments at work, but has attended cabinet councils and witnessed many political events from the inside. Thus it is understandable that his analysis and conclusions differ widely from certain now popular assumptions.

As probably all Germans who studied German politics, not only from textbooks, but through active service and hard political fights inside Germany, Brecht does not subscribe to the assertion that the Germans are inclined toward totalitarianism. His book is full of material for the opposite view; depicting in some detail and with scholarly precision the struggle against National Socialism in the years before Hitler became chancellor. Moreover, it was the state of Prussia that to the very last led in this resistance. Incidentally, Prussia was practically the only German state which had, nearly without interruption, a strictly democratic government from 1918 to July, 1932. Prussia's capital, Berlin, had voted overwhelmingly democratic and socialist under the Empire, and it continued this tradition under the Republic. The democratic Prussian government had to be eliminated by a *coup d'état* in 1932. And why did the supporters of the Republic not revolt against Hindenburg's and Papen's violation of the constitution? Brecht answers by reconstructing with great and detailed exactness the situation as it then was. It was very complex and hazardous indeed. Any success for an uprising was out of the question. However, it may be difficult to convince everyone that revolt was hopeless and could have been attempted only by groups of adventurers.

In analyzing the situation from the viewpoint of constitutional law and domestic policy, Brecht might have stressed one fact which is mostly overlooked, but was somewhat decisive for the development of the crisis: the Social Democrats and the Roman Catholics, as the leading political groups in the Republic, were strictly parliamentary parties, very legalistic, and had never prepared their followers for civil war against governmental power. It is correct to state that a majority of Germans, especially

through the Free Labor Movement, have struggled for democracy almost a century. But it was a movement with highly civilized methods, humanitarian and non-violent. No one should have expected such old political movements to change their character in a day. They fought in the spirit of human culture in which they had entered history, and were defeated by rising barbarism, as has happened very often before in many periods of history and in many civilizations.

In this reviewer's opinion, Brecht makes a splendid, scholarly contribution to the understanding of German politics.

WILLIAM F. SOLLMANN.

Pendle Hill, Wallingford, Pa.

The Nazi Economic System: Germany's Mobilization for War. BY OTTO NATHAN, WITH THE COLLABORATION OF MILTON FRIED. (Durham, N.C.: Duke University Press. 1944. Pp. viii, 378. \$4.00.)

Until a few years ago, the American literature on German economic institutions was scanty indeed. Thorstein Veblen's *Imperial Germany and the Industrial Revolution*, still the best study of German politics and economics, was published in 1915. Since 1938, we have had several outstanding studies by W. F. Bruck, Gustav Stolper, and Maxine Sweezy. Otto Nathan's book is a worthy addition to the list of these distinguished works on recent German economic policies and practices.

In a short introductory chapter on "The Impact of Fascism," the author states that the coming of Nazism into power resulted in three major economic consequences: the replacement of the market mechanism by a coördinated system of government intervention, the destruction of free and independent trade unions, and the establishment of ruthless political dictatorship in lieu of political democracy. In the opinion of this reviewer, Professor Nathan probably tends to over-estimate the extent to which the "market mechanism" of the cartel-ridden pre-Nazi German economy actually operated in the framework of German society. The techniques of government regulation of the economy are not an invention of the Nazis, but a re-emphasis of German economic traditions that had been prevalent in Prussia since the seventeenth century, and in the Second Reich since its very foundation in 1871.

As late as 1939, the Cambridge economist C. W. Guillebaud was able to write a book on the Nazi economy in which the military aspect of that economy was dealt with perfunctorily in a short foot-note. Fortunately, this period of intellectual paralysis is gone for good. Professor Nathan performs a real service in stressing throughout his work the basic fact in appraising the Nazi economy: that war is its main objective, and that the categories of Western welfare economics of either socialism or capitalism cannot be applied to an economic system which is to be understood

only in terms of a society geared to permanent war and international revolution. Thus, in his discussion of government regulation of industry and agriculture the author analyzes the techniques of public and semi-public agencies in utilizing the available industrial and agricultural resources to the fullest extent from the viewpoint of the German *potential de guerre*. Many of these techniques and conceptions did not make sense when viewed from the logic of Western economic theory, but as long as they made sense in terms of a higher war potential they were utilized anyway. Likewise, the banking, money, and credit policies of the Nazi system were quite unorthodox, so unorthodox, in fact, that we used to be periodically assured, in the years 1933-1939, that the financial house of cards of Germany would not last another six months. The introduction of compulsory labor for the whole German population years before the actual outbreak of military hostilities, the channelling of the available labor force into particular trades and localities long before the war, the freezing of labor where its presence was considered essential—all these measures transformed the German people into a nation of permanent war-workers. Professor Nathan's discussion of the methods and practices utilized in pursuance of these objectives is first-rate throughout. While it is primarily intended for economists, no political scientist will want to miss it. Nietzsche and Treitschke are not enough.

At the end of his book Professor Nathan justly remarks that the Nazi claim to have brought economic security to German labor and business was a travesty, considering the complete loss of personal freedom and human decency under the Nazi régime. In addition, it may also be asked what economic security the Germans are expecting to enjoy after their attempt to despoil and enslave the world has failed. The ruins of Berlin, Cologne, and Hamburg must show at least some Germans that Nazism was not such a brilliant economic venture after all, despite the temporary supplies of caviar, champagne, and silk stockings in the years of conquest. Professor Nathan could perhaps have further stressed another fundamental point about the Nazi economic system. Its one objective was to assure military victory for Germany. In this it failed in the Second World War, as the German economy had failed in the First World War. One wonders how many world wars the Germans will have to lose before they realize that they know all about war except how to win.

WILLIAM EBENSTEIN.

University of Wisconsin.

German Radio Propaganda; Report on Home Broadcasts during the War.

By ERNST KRIS, HANS SPEIER, AND ASSOCIATES. (New York: Oxford University Press. 1944. Pp. xiv, 529. \$4.00.)

This book is the teamwork of seven authors, who coöperated so closely

that, as the preface points out, the authorship of some chapters cannot be specifically established. These chapters, however, are in no way inferior to those for which individual authors are responsible. Credit is due to the two senior authors for having achieved so excellent a collaboration that the book presents, amid the variety of subjects, a uniform line of thought.

The study confines itself to German broadcasts to the German people. The first chapter depicts the Nazi propagandist as both supporting and relying on a régime of violence. Hitler needs Goebbels, but Goebbels needs Himmler. Whenever Goebbels cannot bend the German people, Himmler breaks them. "If Hitler were wholly popular, Goebbels would be virtually unemployed" (p. 48); but equally true: "If Goebbels were entirely successful, Himmler would be unemployed" (p. 49). The fact that Himmler has plenty to do indicates that German propaganda falls short of its aim. The author claims that the Nazis, contrary to popular opinion, are not at all masters of psychological warfare, that they have originated little, and that their views on the subject are "the traditional views of all demagogues" (p. 23). True as this may be, one is inclined to assume that by their use of certain techniques, such as the slanting and fabrication of news, imagery (the projection of the world to the audience), and the exploitation of stereotypes (of which the index enumerates more than seventy), they must hold a firm grip on an audience that is denied the privilege of free men to form their own judgment on the basis of trustworthy reports.

Although Nazi propaganda springs from the totalitarian master-mind, it is by no means consistent. This is well illustrated in the arresting chapter on "The Enemy." His image is based on the old Nazi idea (suppressed only during the neutrality pact with Russia) that capitalism and Bolshevism are fundamentally the same, as both are creatures of world Jewry. Yet the Nazi radio keeps telling the Germans (and the world) how disunited the Allies are; Allied disunity is one of the leading stereotypes, especially in foreign propaganda. Likewise the Nazis boast of being a young nation as compared with the Allies, but at the same time they represent old European culture in contrast with the Russians (and with the American "terror bombers"). England is attacked with respect to her leaders, while Russia is the absolute, i.e., the collective, enemy. The neutrals, too, as quoted in the German radio, have a function in Nazi propaganda. "They are the chorus. Their press seems to exist for the sole purpose of glorifying Germany" (p. 280).

The task of the German propagandist becomes more and more difficult as the fortunes of war turn against the Axis. The chapter on "Situations" describes in detail how the Germans were told of the defeats in the battle over Britain, in Africa, and in Russia. A series of euphemisms were invented to break the news of retreats. These have become stereotypes;

they reappeared recently during the campaign in Italy (not covered in this book), and are already appearing with reference to setbacks in Normandy. The study of Nazi propaganda in defeat reveals its inherent weakness: that only a free people can stand the truth in adversity. Hitler could never afford to tell the Germans that he had nothing to offer but "blood, sweat, and tears."

The volume contains thirty-six charts illustrating studies of quantitative analysis; and an appendix lists the major events of the war up to December, 1943. The book will be indispensable to the student of totalitarian propaganda and also exceedingly valuable as reference material.

HEINZ GURADZE.

Park College.

The British Empire, 1815-1939. BY PAUL KNAPLUND. (New York: Harper and Brothers. 1943. Pp. xx, 850. \$4.00.)

This volume is the fruit of mature scholarship and of many years of teaching of British history. For convenience of treatment, the author divides the century and a quarter into four periods: From War to Peace, 1815-1837; The New Course and *Laissez-Faire*, 1837-1871; Commonwealth and Empire, 1870-1901; Storm and Stress, 1901-1939. The history of the Empire, both as a whole and in its major parts or areas, is reviewed in each of these periods.

It is not the function of a textbook to present new material, but to present the whole subject in due proportions. This Professor Knaplund does admirably. Due attention is paid to the world setting in which the Empire evolved into the Commonwealth, to economic, social, and political forces at work in each of its major parts, as well as to constitutional developments. The book is singularly well-balanced in its evaluation of facts and forces, well-proportioned in its distribution of space, and complete in subject-matter. Professor Knaplund writes in a clear, straightforward style, without straining after literary effect, and he achieves an objectivity which no national of any member state of the Commonwealth could be expected to attain.

A few slips in a book of such scope are perhaps inevitable. There are a few misspelled proper names: Colborne, not Coleborne (p. 51); Innis, not Innes (pp. 815, 817). A few statements are a bit sweeping, e.g., "Laurier stood firm in advocating aid to the Imperial cause" (in 1899). "Wavered" would be more apt. There were no numerically important foreign language groups in Western Canada before 1901, as a statement on page 387 would imply. A good select bibliography of some twenty-five pages might have been improved by inclusion of a few more modern secondary works, such as Handcock's *Survey of British Commonwealth Affairs* and R. McG. Dawson's *Constitutional Issues in Canada, 1901-1931*. Prowse's *History*

of *Newfoundland*, the standard work, is overlooked, as is also the Royal Commission Report of 1933.

But these are minor imperfections. I know of no other single volume, or indeed of any other book, which so fairly and clearly presents for the period the history of the Empire-Commonwealth as a whole, in its lights and shadows, its unity and diversity, its traditionalism and its adaptability, its complexity of conflicting interests, loyalties, and ideals.

R. A. MacKay.

Department of External Affairs, Ottawa.

Civil Service Staff Relationships. BY E. N. GLADDEN. With a Foreword by Sir Horace Wilson. (London: William Hodge and Company, Limited. 1943. Pp. xi, 184. 12s. 6d.)

Dr. Gladden's study is one of a research series promoted by the British Institute of Public Administration. Completed on the eve of the war, to it the author has prefixed a brief account of the experience of the Civil Service Associations and Whitley Councils from 1939 through the autumn of 1942.

In the latter years of the First World War, there were many evidences of new practices and ideas in social organization, especially in industrial relations, in Great Britain. The shop stewards' movement, the Guild Socialist theory, doctrines of pluralism, and the restatement of Labour party aims were signs that a new set of assumptions concerning social organization would be explored. There appeared, from a committee of the Ministry of Reconstruction, under the chairmanship of the Speaker of the House of Commons, the Right Honorable J. H. Whitley, a series of reports on the relations of employers and employed, in which joint industrial councils, based upon organizations of employers and employees for the purpose of coöperation in dealing with questions of mutual concern in management, were recommended. In a sense, one may say that the Whitley Committee sought to institutionalize certain long developing tendencies that had been accelerated by the mobilization of the nation for war, in part to meet the difficult problems of postwar readjustment, but also to provide a permanent new constitutional basis of industrial organization. Similar councils were proposed for the government, both by department and by trade. While only a limited success was achieved for the general plan, somewhat surprisingly the program was realized for the civil service of the national government. In 1932, Leonard D. White published an account of this development in his *Whitley Councils in the British Civil Service*.

Dr. Gladden first reviews briefly the history of civil service associations in Great Britain (of which there are over 300), and then the evolution of the councils, which are federal in that the respective spheres of the na-

tional and the departmental councils are separate, while the industrial employers of the state, as well as local government officials, do not come within this particular scheme nor Dr. Gladden's account. Two "sides" are represented, the "staff" and the "official," the former being the representatives of the associations, the latter of higher civil servants, "chiefly heads of departments," appointed by the Chancellor of the Exchequer (for the National Council). The author then discusses the aims and achievements of the Councils, the development and activities of the staff associations, the experience with arbitration, staff participation in administration, and in conclusion, after a brief account of civil service organizations in other countries (where he finds no comparable general scheme), he briefly generalizes on the institutional significance of these developments for British government and on their limits, dangers, and contributions. His style, with its employment of rather guarded and complex sentences, approaches an official report standard, and it is sometimes not easy to determine the ultimate purport of his words. A study of the chapter on "Jargon" in *The Art of Writing* by the late Sir Arthur Quiller-Couch might help him clarify his meaning, one thinks, as such a sentence as this (p. 86) appears: "Nevertheless from the general administrative standpoint it cannot be said that there has been no negative account."

Dr. Gladden has, however, substance to relate that is important to the political scientist and the student of social institutions generally. There are the relations peculiar to the government as employer with the civil servant as employee; the unique success, in government, of organizations of "white collar" employees; the problems of representation and procedure in the composition of the "staff side" of the Councils; the integration of legislative policy and administrative discretion under the British cabinet system; the problems created by the General Strike; and the formulation of an adequate political theory to fit the changes brought by the expanding functions and personnel of government. While not all of these are explored by Dr. Gladden, and the study would profit also from some biographies of both staff and official representatives, he gives us a sympathetic account of the relevant developments and concludes with a favorable opinion of the participation of the British civil service in them. Appendices include the "Constitution of the National Council for Civil Service (Non-Industrial)," and a list of civil service staff associations and journals.

An article by "a temporary civil servant" entitled "Government Administration and Efficiency" in *The Political Quarterly* of April-June, 1944 (Vol. XV, No. 2) may usefully be examined by those interested in some of the problems discussed by Dr. Gladden.

JOHN M. GAUS.

University of Wisconsin.

The Super-Powers; The United States, Britain, and the Soviet Union—Their Responsibility for Peace. BY WILLIAM T. R. FOX. (New York: Harcourt, Brace and Company. 1944. Pp. 162. \$2.00.)

The Great Decision. BY JAMES T. SHOTWELL. (New York: The Macmillan Company. 1944. Pp. 234. \$3.00.)

Both of these books are important additions to the literature of post-war international relations. Both have the merit of extreme brevity, are direct and concise in their argument, and should command a wide public.

The Super-Powers makes an important contribution to the analysis of the central problem of the postwar world. As the author rightly says: "Too great emphasis in contemporary discussion on the mechanical or structural aspects of international coöperation to preserve the peace obscures the really vital problem, how to develop among the super-powers a disposition to consult and to agree." Nearly half of the book is devoted to a careful and penetrating analysis of the relations between the United States and Britain. Despite the mutual interdependence of the two countries, there are intangible elements, Dr. Fox points out, which magnify out of proportion to their real importance certain tangible points of difference on matters such as commercial policy. Anti-British sentiments in America, he observes, "still strike a tremendously responsive chord." A scientific analysis of these intangibles, tracing them back to their deeper psychological roots, would be of the greatest service to Anglo-American relations. But that is beyond the scope of the present book.

In suggesting that "only a Britain which can with certainty count upon American support in case of renewed general war can continue to evoke the spontaneous collaboration of Australia and New Zealand," the author under-estimates the strength of the cohesive forces of the family system of the British Commonwealth, and the value to its members of the far higher degree of certainty of mutual aid afforded by the family ties than is attainable outside. Why should the pattern of the future differ from that of the past—immediate support of each other in a crisis in the hope and expectation that they will find America on their side? Moreover, in calculations for the future, allowance has to be made for the fact that the Dominions, and also a number of the colonies, are areas of great potential expansion, and that their present strength is no index of what their strength will be as a result of the cumulative effects of a series of "five-year plans" of national development. Dr. Fox urges close Anglo-American coöperation in the development of colonial areas, pointing to the successful experiment of the Anglo-American Caribbean Commission.

As regards a "form" for Anglo-American collaboration, he rejects alliance, in favor of "a unilateral declaration by the United States of its determination to uphold a strong, friendly, independent, and democratic Britain and a reciprocal declaration by Great Britain of a determination

to support the American position in the Western Pacific." He advocates also an exchange of identical notes directing the British-American Combined Chiefs of Staff to continue joint planning for joint action against aggression. These "forms" would be part of a wider system comprising the Anglo-Soviet Treaty and a non-coercive general security organization containing all the United Nations.

Collaboration between the Big Three should, he thinks, "be developed strictly *inter se* . . . outside the general international organization." He concludes that the U.S.S.R., like Britain and America, is non-expansionist and would definitely prefer its European neighbors, especially Germany, to be democratic rather than communist. He envisages a Europe of stable independent states—those in central and eastern Europe being within a Russian sphere of interest, whilst the Atlantic states from France to Norway would lie within the Anglo-American security sphere. Provided the Big Three can avoid the emergence of any European or Asiatic hegemony (e.g., a German-dominated European federation), he thinks the Great Powers so widely separated as to make it "enormously difficult for one super-power to defeat another."

In *The Great Decision*, Dr. Shotwell puts forward a solution which, as he says, "already rests upon the experience of history"—an experience in which he has played a noteworthy part for several decades. His book is in large measure a summary of the conclusions of the Commission to Study the Organization of Peace, of which he is chairman.

The liquidation of the war will bring us, he points out, face to face with the problem of the relations of small and great powers, for which the League's method of constituting Council and Assembly is, he concludes, the only workable solution. He discusses the rôle of the "fraternal association" of Britain and America, between which he sees "no possibility of future warring conflict." Their "understanding" should not, he thinks, "be cast in the form of a treaty." He then considers the relation of the U.S.S.R. to the Western world, devoting his main attention to the Molotov nationality decrees of February 1, 1944. In explaining their significance, he makes some surprising incidental references to the British Commonwealth. His description of it as "little more than a mystical expression of spiritual affinities" is misleading in the light of its rôle in two world wars and its success in achieving common action by intricate and highly developed, even if informal, machinery. The reference to "Lord Halifax's suggestion that their [the Dominions'] foreign affairs ought to be more unified under the aegis of the Foreign Office" is misleading, since the speech made no such suggestion.

The second part of the book is devoted to the organization of peace after the war. Not all those who lived through the Geneva experience may agree with his view that the setting up of a permanent Commission on

the Reduction and Control of Armaments to bring about progressive limitation and prevent clandestine re-armament is "perhaps the most urgent single problem confronting the postwar world." As a prior condition, however, he proposes an international air police force recruited by voluntary enlistment, together with an adequate number of international air bases. The force "would only be called upon by the unanimous consent of the executive committee, which would include the Great Powers." The Big Four which signed the Moscow Declaration might, he suggests, form a Defense Committee of a Council "resembling very much the Council of the League of Nations." In short, in his view, the "General International Organization" of the Moscow Declaration "would take the form of a revised and revived League of Nations." But the process already begun of setting up on "functioning lines" international organizations of a technical character (food and agriculture, health, cultural relations, etc.), on which he has some interesting chapters, he regards as a partial divergence from the Geneva experience. There is a cryptic reference to "backward areas," suggesting the application to them of a revised form of the League mandate system.

H. DUNCAN HALL.

*British Raw Materials Mission,
Washington, D. C.*

The League to Enforce Peace. BY RUEL J. BARTLETT. (Chapel Hill: University of North Carolina Press. 1944. Pp. ix, 252. \$2.50.)

This is one of the most important books on American politics published since the last war. It is an outstanding example of sound historical research that will have a wide popular hearing. No student of politics can afford to miss it, and those who are deeply concerned that we shall not lose the peace again will put it high on their list. It is an absorbing story and one that is as pregnant with importance for the future as it is timely.

Professor Bartlett, of Tufts College and the Fletcher School of Law and Diplomacy, has written a long-needed history of the League to Enforce Peace—that immense citizen organization which had so much to do with the creation of the League of Nations. Most Americans have forgotten what a great campaign this body waged. It was an exciting story then, and it is none the less so in Bartlett's book.

The author has had access to the central office files of the League to Enforce Peace, its *Bulletin*, the papers of Root, Taft, and Wilson, and many other sources. This vast mass of material is used with great skill and telling effect. There may be ten footnotes on a page and 140 in a chapter, but they do not impede the sweep of the narrative, and they reinforce it powerfully. The story moves smoothly to its tragic end.

The chief impact of the book is the conclusive evidence in it that politi-

cal partisanship defeated the League of Nations Covenant. Few have ever doubted that deep political and personal passion motivated Theodore Roosevelt and Henry Cabot Lodge. In this narrative, the rôle of Elihu Root stands out clearly as the conservative attorney of the Republican party who steered it through every crisis in the long fight. That Root sacrificed the League to advance the party will not surprise many. The big surprise of the book is the way in which William H. Taft let his dislike of Wilson and his desire for the return of the party gradually pull him from the chief leadership on the League side over into Lodge's camp. In the end, Taft was as confused and deceived by Lodge's strategy as were multitudes of his countrymen.

Another outstanding element in the book is the overwhelming proof in it that a majority of our people were for the League Covenant three months after it was published, that is, in May, 1919. "This," says the author, "is as certain as anything in the realm of public opinion can be." How this situation was gradually changed is the theme of the last half of the book. The volume is an indispensable corrective to Bailey's *Woodrow Wilson and the Lost Peace*. In all probability, some of Bailey's judgments of Wilson's "mistakes" would have been softened had he had this mass of evidence before him.

DENNA F. FLEMING.

Vanderbilt University.

Woodrow Wilson Still Lives; His World Ideals Triumphant. BY J. EUGENE HARLEY. (Los Angeles: Center for International Understanding. 1944. Pp. xiii, 193. \$2.00.)

Durable Peace; A Study in American National Policy. BY ROSS J. S. HOFFMAN. (New York: Oxford University Press. 1944. Pp. vii, 120. \$1.75.)

Searchlight on Peace Plans. COMPILED BY EDITH WYNNER AND GEORGIA LLOYD. (New York: E. P. Dutton and Company. 1944. Pp. lx, 532. \$5.00.)

To a world searching for a satisfactory peace program, these three books will be extremely helpful. Professor Harley would have us return to Woodrow Wilson's ideal of the League of Nations. In a spirited eulogy of the World War president, he tells the familiar story of how the isolationists frustrated Wilson's postwar settlement. Despite this failure, Harley points out, the world is going back to the League. However, he recognizes that some revision is necessary. For example, he recommends that the system of applying sanctions be improved so that the aggressor nations will know in advance what their punishment will be.

The book is frankly a eulogy, as no mention is made of Wilson's errors which contributed to the Senate's rejection of the League. However, President Roosevelt's recent announcement of his intention to support

the creation of a world organization very similar to the old League of Nations gives Professor Harley's book added importance at this time.

Professor Hoffman's book is an extremely able analysis of the problems which will face the postwar world. The author convincingly explains how vitally essential it is for us to reach an agreement with Soviet Russia on postwar issues. Failure to do so, he feels, would alienate her and force her into the isolationist course she pursued from 1917 to 1941. Germany and Japan found it possible to pursue their aggressive policies to a great extent because of the estrangement between Russia and the Western powers during the 1930's. Pointing out that Russia did much to save the democracies in 1914, and again in 1941, Hoffman holds that peace in Europe and in Asia cannot be maintained without Russia's help. Hence Russia's political alliance is more important than a chastised Germany or Japan. Eastern Poland, Bessarabia, Bukovina, and the Baltic States, he would leave with Russia because we cannot prevent it. His chapter on "The West and Russia" should be read by all who are apprehensive about our future relations with the Soviets.

As for Germany, Professor Hoffman thinks that after their defeat the German people may wish to revive the German monarchy. If they develop it with a liberal democratic constitution, he feels that we should have no objection. If the Hohenzollerns were restored, however, many people would insist on some satisfactory assurance that they would reign but not rule. Professor Hoffman would prevent future German aggression by an alliance of Spain, Portugal, Italy, Britain, Russia, the United States, and France. The revival of France as a great power should be a primary objective of both Britain and the United States.

Regarding our relations with London, he points out that neither Britain nor the United States "can desert the other without imperiling its own safety." Britain has been the backbone of the international community to which we belong, and we cannot permit her fall.

In the book by Wynner and Lloyd is found a summary of the different peace plans that have been suggested since the days of ancient Greece. The salient points of all plans that have been suggested for an international government based on the confederation, federation, and union types are given in concise form. Such a compilation is helpful.

ROBERT S. MCCORDOCK.

Lincoln Memorial University.

Russia and the Peace. BY SIR BERNARD PARES. (New York: The Macmillan Company. 1944. Pp. xiv, 293. \$2.50.)

Imagine a very shrewd and much-travelled English gentleman, seventy-six years young, urbanely reasonable and full of wit and wisdom. Imagine that he has devoted almost half a century to the study of Russia and

the Russians, journeying often over the steppes in the company of the late Professor Samuel N. Harper of the University of Chicago and publishing half a dozen scholarly books and innumerable articles on various phases of Slavic life and thought. Imagine him as an official British war correspondent on the Eastern Front in World War I and as an eyewitness of the great revolution. Imagine him, further, dropping into your study for several hours of highly informal but informative conversation, spiced with anecdotes and reminiscences, about the Russian past, present, and future as they concern Americans today. Imagine, finally, all of this reduced to book form with no loss of intimacy and vigor. The result is *Russia and the Peace*.

So far is he from being an ivory-tower historian that Sir Bernard Pares has known personally most of the people and places in Russia's tragic and inspiring drama. He has carried non-partisanship to the point of never voting in a British election. Yet he is an ardent partisan of parliamentary democracy and at the same time a sympathetic and discerning observer of Soviet Socialism. His theme is that fear of Moscow is the fruit of ignorance, that World Revolution is as dead as Trotsky, that the U.S.S.R. is less a Marxist Utopia than Russia resurrected and renewed, and that peace is impossible without Anglo-American-Soviet collaboration on a basis of equality and mutual trust.

Seldom has this theme had a more persuasive and illuminating presentation. These twenty-three chapters, dedicated to "The Honorable Joseph E. Davies, who opened that door," range from lucid essays on religion, nationality, and patriotism to helpful reviews of Russian relations with Poland, Finland, the Balkan and Danubian states, Germany, Japan, England, and America. All readers, including Russian specialists, will learn much from each chapter. Scholars will particularly profit from the essay on "Study and Access," pleading for a synthesis of linguistic and social disciplines, for a student exchange to break down secrecy and suspicion, and for an extension of the type of integrated area study in which Sir Bernard has participated for the past two summers at Cornell. Whether philosophers should be kings, as Plato hoped, is doubtful. But this small volume leaves no doubt that historians ought to be (and can be) statesmen.

FREDERICK L. SCHUMAN.

Cornell University.

Ten Years in Japan; A Contemporary Record Drawn from the Diaries and Private and Official Papers of Joseph C. Grew, United States Ambassador to Japan, 1932-1942. (New York: Simon and Schuster. 1944. Pp. xii, 554. \$3.75.)

The recent American ambassador to Nippon has more nearly succeeded in embodying a review in the title of this important autobiographical

segment than perhaps any other writer since the eighteenth century. The more one weighs the title, the more one admires the ability of the author as a packer, and opines that should he ever be forced to fly without luggage he would—with luck—arrive at his destination sartorially equipped for business, golfing, banqueting, presentation at court, and the practice of diplomacy. The more one meditates upon the contents of the *Record*, the more one admires the skill of the diarist as a diplomat—and the wisdom of the dispensers in Washington, D. C., of patronage in 1933 in retaining him at his post. Accredited to Tokyo by President Hoover (to whom in marked contrast to his numerous and warm references to President Roosevelt, he most infrequently alludes), Mr. Grew was in Japan during the years in which that country, having tortuously ascended the volcano, perched irresolutely on the crater's edge and finally plunged therein.

In his Foreword, Mr. Grew makes clear several important facts and conditions. First: his story is, basically, that of one man, an ambassador (hence an alien), from one vantage point, an embassy (hence a bit of extraterritorialized territory), with great informational advantages and almost equally great disadvantages. Second: while Mr. Grew offers convincing evidence here, and throughout the book, of his resolution never to give up hope or to cease striving for peace ("Our foreign service is our first line of national defense," pp. x, 446: *N.B.* Congressional budgeteers), he warned the United States government time after time "of possible action by Japan of dangerous and dramatic suddenness"; for example (p. 368): "January 27, 1941. There is a lot of talk around town to the effect that the Japanese, in case of a break with the United States, are planning to go all out in a surprise mass attack on Pearl Harbor. Of course I informed our Government." (*N.B.* All Americans.) Third: "This book contains only a small fraction of the original diary which, . . . fills thirteen large typewritten volumes quite apart from many other volumes [of pertinent material]. . . . I have avoided cluttering up the text with asterisks and footnotes, but have selected and arranged the original diary entries together with other contemporary material in such a way as to present a smooth-flowing chronological narrative." (*N.B.* Students of historical method.) Attention is directed to the two volumes entitled *Foreign Relations of the United States, Japan, 1931-1941*. Fourth: while reiterating the absolute necessity for destruction of Japan's "power to wage war," and remarking upon the "cumulative evidence of unmitigated subtleties, trickery, brutality, and cynical faithlessness on the part of the Japanese military caste and machine, and . . . the medieval character of the Japanese military mind and temperament," Mr. Grew, wisely and humanely, calls attention to the fact that not all Japanese are militarily and imperialistically inclined, and that there were those who suffered assassination while endeavoring to prevent their country from committing suicide.

The volume abounds in bits and chunks of material valuable from innumerable points of view. Much of it is gloomy in outlook; some of it is hopeful; not a little is side-splittingly mirthful (e.g., p. 110); none of it is dull. Many of the statements should be meditated upon during day as well as night watches; for instance, Mr. Grew's remarks (March 27, 1933, pp. 84-85) *re* Japan's fortifications of its mandated islands—"of which we have abundant firsthand evidence. . . . This whole question . . . is full of potential dynamite . . ."—and, therefore, one supposes the United States government bravely did nothing about it. Elsewhere (p. 257), the author somewhat fatiguedly remarks: "But unless or until the Japanese have reason to feel that the United States will *do* something about it, we can expect few constructive results." Again and again the survival on a considerable scale of liberal elements among the Japanese population is remarked. Equally often is indicated the Ambassador's warnings to Tokyo of the extreme probability of American participation in "World War II." Had Tokyo and Washington and their respective cohorts—military, naval, and civilian—listened to the advice of the extremely hardworking, capable, and not unjoyous Mr. Grew, the "course of history would have been changed." But how dull would life be without Cassandras—and how drab the "course of history" without change!

HARLEY FARNSWORTH MACNAIR.

University of Chicago.

The Vatican and the War. BY CAMILLE M. CIANFARRA. (New York: E. P. Dutton and Company. 1944. Pp. 344. \$3.00.)

The Church and the Liberal Society. BY EMMET JOHN HUGHES. (Princeton: Princeton University Press. 1944. Pp. xvi, 307. \$3.00.)

The present Pope has repeatedly declared the Vatican's strict neutrality in the present world struggle. A political neutrality on the part of the Vatican would be entirely understandable, but a moral neutrality on the part of a spiritual power seems to many in the camp of the United Nations less justified, especially if it is so emphatically stressed. The recent plea of the Pope for a negotiated peace was made at the very moment when it was entirely in line with the present desires and needs of the fascist powers and their friends. Again, a plea for a compromise peace by the Prince of the Church will evoke only general sympathy, yet such a plea was sadly missed during Italy's aggression against Ethiopia or Franco's aggression against the Spanish Republican government. Non-Catholics will always clearly understand that the policy of the Vatican throughout the centuries has not been binding upon all the members of the Church, yet its influence is tremendous. Therefore books which help to clarify the attitude of the Church in the present great world conflict, especially its moral and ideological position, will be most welcome to

non-Catholic readers who wish to know where the Church stands on the great issues of our time. Two recent books will be found helpful in this task of clarification.

The first of the two has been written by an American newspaper correspondent who was educated in Italy and specialized in the decisive years from 1935-42 in studying and reporting Mussolini's adventures in fascist imperialism and the attitudes and personalities of the Vatican. His book is written frankly and openly as a justification of the policy of the Vatican. But this does in no way diminish the value of the book. It is much less concerned with ideology than with diplomacy. The Vatican appears above all as a political power. Even the critical reader who may interpret the many events and utterances differently from Mr. Cianfarra will read the book with pleasure, for it is well written and colorful, and with profit, for it contains many first-hand observations.

According to Mr. Cianfarra, the Pope sees the possibility of realizing his ideal postwar order only through a victory of the democratic powers, Britain and the United States. The Pope's past actions justify the belief "that he will wish to contribute directly to the establishment of peace. Since the Vatican is no longer seeking territorial aggrandizement, it will be the religious interests of the Catholic faith that it will wish to defend and make internationally recognized." These interests, the author believes, will be threatened by a victorious Russia, which "will automatically become the most dangerous enemy, not only of the Catholic Church, but of all other faiths as well." According to Mr. Cianfarra, the Vatican hopes that the United States and Britain will not accept Russian hegemony over Europe. The Pope will support the restoration of the independence of the smaller eastern European states, in order to create "not only a political but a spiritual barrier against Communism. Such a solution would enable the Catholic Church to carry out its mission without the opposition of Communism—its deadly enemy."

While the first of the authors regards Communism as the deadly enemy of the Catholic Church, Dr. Hughes, who is now with the American Embassy in Madrid, regards rather the liberal society, as represented above all by the liberal British Empire and American capitalistic democracy, as the arch enemy of the Church. His book is ideological, but it has its portentous political implications for the present world conflict. He defines liberalism as ruthless economic individualism. It is a strange book, accepting the well-known arguments which leftist writers like Harold J. Laski and many German and fascist writers have freely used in the last twenty years against liberal democracy. Like many books of this kind, it opposes the ideal on the one hand to the sordid reality on the other. It idealizes the Church, which "stood forth as the only supernatural power when war struck the Western world in 1939," and whose "popular base is

the laboring masses." "Between the ethic, the world perspective, of the bourgeoisie and that of the Church, there has never been, nor can there be, compromise." The picture drawn, on the other hand, of liberal society is as one-sided and crude as the caricatures which some anti-Catholic writers draw of the Catholic Church. The paragraphs devoted to Versailles and to Munich afford really remarkable reading. One may easily get the impression that the enemy fought in the present war, and the great criminal, is the British Empire. This kind of violent and passionate criticism of liberalism and of Western man is not new (Dr. Hughes relies mostly on secondary sources); it is characteristic of a certain trend of thought which the non-Catholic Western man sincerely hopes is not shared by many Catholics in the United States, Britain, and France, but which is in no way, even not predominantly, confined to Catholics. Especially in the past seventy years, it has been voiced often, although not so much in the United States nor always with such one-sidedness.

HANS KOHN.

Smith College.

International Labor Conference. Twenty-Sixth Session. Reports I-VII. (Montreal: International Labor Office. 1944. Eight volumes, paper. \$4.50.)

These *Reports*, prepared by the staff of the International Labor Office for the Philadelphia conference from April 20 to May 12 of the present year, provide at once a systematic view of the work of the I.L.O. since the Twenty-fifth Session in June, 1939, and an indication of the important part it will have in postwar international government. The *Record of Proceedings* of the Conference, soon to be published, is the necessary complement to these *Reports*, since the latter constitute only the items on the conference agenda and set forth the texts proposed for deliberation and action by the delegates. The texts of the declaration of policy, the recommendations, and the resolutions are accompanied, however, by extensive and informative commentary which illumines the background and provides a thorough rationale for the proposals. This commentary represents the collaboration of many minds and rests upon the foundation of wide experience and research. The effect of the whole is, therefore, to open up a vast panorama of practicable international solutions in a way not ordinarily achieved in the popular blueprinting of the postwar world found in best-sellers.

The "Declaration" in *Report I*, entitled "Future Policy, Programme, and Status of the International Labor Organization," reaffirms the basic principles that "labor is not a commodity," that freedom of association and expression are essential, that "poverty anywhere constitutes a danger to prosperity everywhere," and that "the war against want" requires

continuous and concerted international effort "in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare." It calls for an independent audit by I.L.O., guided by these principles, of "all international economic and financial policies and measures," urging attention especially to the problems of maintaining full employment, raising living standards, the effective recognition of collective bargaining, and the securing of social minima such as basic income, medical care, maternity and child welfare, adequate nutrition and housing, and educational opportunity.

The implementation of this broad social policy is the subject of *Reports II-V*, inclusive. The first of these consists of "Recommendations to the United Nations for Present and Post-War Social Policy," and calls for the direct participation of workers' and employers' delegates in the peace settlement. *Report III* deals with "The Organization of Employment in the Transition from War to Peace"; *Report IV* (in two volumes), with "Social Security: Principles and Problems Arising Out of the War"; and *Report V*, with "Minimum Standards of Social Policy in Dependent Territories."

There have been registered 887 ratifications of the 63 conventions proposed by I.L.O. *Report VI* lists all the countries which have reported upon the application of these conventions since 1939, but does not give the usual summary of these reports on account of wartime difficulties. The last volume is the Director's report, which presents compactly the background of economic and social developments and a summary of the work of the International Labor Organization since 1941.

JAMES J. ROBBINS.

The American University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Clarence E. Ridley and Orin F. Nolting, editors of *The Municipal Year Book, 1944* (International City Managers' Association, pp. x, 646, \$8.50), continue to supply municipal officials and students of city government with their invaluable compilations of facts and statistics on our municipal governments and their activities. In addition to bringing the regular features up to date, the present edition includes several new sections. Particularly welcome at this time is the material on long-range planning of municipal activities supplied by nearly 900 cities. Included here is information on the organization and expenditures for planning, the extent of planning for postwar capital improvements, the estimated value of such

improvements to be built within five years after the war ends, and the extent to which cities have established reserve funds and reduced their bonded debts. There is a new section covering the organization, activities, and expenditures of local public health agencies. Another new section presents per capita revenue and expenditure for all cities over 25,000, with a detailed analysis and comparison between population groups and by types of revenues and expenditures. Some of the regular sections have also been expanded to include new types of data. The range of subjects covered comprises too long a list to permit an enumeration in a brief review, but there is hardly an aspect of municipal activity upon which some data are not supplied. The customary summary and interpretative articles prepared by authorities in the respective fields aim to give the highlights on municipal developments during the year. With few exceptions, however, these articles—chiefly because of space limitations—present such a sketchy account that they can hardly be regarded as adding anything of great significance to the volume. In the opinion of the reviewer, the editors have done a superb job, not only in bringing together such a wide variety and quantity of municipal information, but also in organizing and arranging the contents in a manner that will assure a maximum of usefulness. The *Year Book* is without a doubt, as indicated on the title page, "the authoritative résumé of activities and statistical data of American cities."
—MARTIN L. FAUST.

The biography of any prominent citizen inevitably throws light on the period and the locale in which his activities took place. In *McCarthy of Wisconsin* (Columbia University Press, pp. x, 316, \$3.50), Edward A. Fitzpatrick presents a clear and vivid picture of Charles McCarthy, the creator of the legislative reference library. The author presents also a clear and vivid legislative history of Wisconsin during the first two decades of the century. It was during this period that the elder La Follette placed Wisconsin in the national spot-light by pioneer legislation in a wide variety of fields. LaFollette and McCarthy were not close friends, but each admired the other. At times, they were in disagreement. LaFollette was a native of Wisconsin; McCarthy came to the state, drawn thither by the reputation of some of the teachers at the University. McCarthy's choice of Wisconsin for graduate study was a fortunate thing for both McCarthy and Wisconsin. It is doubtful whether any other state would have given the vibrant public-spirited McCarthy the unusual opportunity for the type of service he was so well qualified to give as did the Badger state. It is equally doubtful whether the Wisconsin Idea now generally accepted as a genuine contribution to American politics would have been developed so fully without McCarthy. The Wisconsin soil had the fertility and the state's political climate had the elements nurturing

the growth of ideas which McCarthy could enthusiastically espouse. The legislative reference library, for the invention of which McCarthy will always be known to students of legislation and political history, was of course his outstanding contribution. This service played an important part in a long series of significant pieces of legislation in the fields of utility regulation, labor, income taxation, water power, and many others. In spite of his honesty, humility, and spirit of helpfulness, McCarthy was the target of many bitter attacks. His biographer points out, however, that he regularly won over his critics, and even an anti-La Follette and anti-McCarthy administration which later gained political control in Wisconsin respected and admired him. Like La Follette, McCarthy believed that the University should serve the state by training public leaders, both political and non-political. La Follette personified the college-trained political leader, McCarthy the college-trained non-political public servant. An important collateral contribution made by McCarthy was the development of respect for the legislature and the legislative processes as vital parts of a democratic government. Incidentally (or is it incidental?), McCarthy, to quote the author, "had faith in the common man, faith in him in spite of ignorance, stupidity, and perversity." To all students of politics and political history, this volume is highly recommended for careful study.—BEN A. ARNESON.

In a slim volume, *A Guide to Public Opinion Polls* (Princeton University Press, 1944, pp. xvii, 104, \$1.50), George A. Gallup has sought to make available to a general audience a great amount of basic information concerning public opinion polls and polling techniques. This he has done by a method deliberately chosen and conscientiously followed. In fact, a new shorter catechism has been procreated. The questions most frequently asked about opinion polls in general have been categorized, set forth, and provided with answers satisfactory in character and scope. As is true with all catechisms, the questions have been propounded at the proper places, and the responses meet the implications of the pertinent query which provokes the particular reply. Unity is thus assured, and the strength of the work seems proof against all tests. The chief peril lies in the possibility of yet one more question excluded already from the catechism as foolish, unnecessary, or dangerous to the case of the catechizers. These criticisms apply to the method utilized, not of necessity to the result attained. The distinguished author designed the book for service as a reference work and not as a definitive study. As such, it merits a high rating. The special student will either know the subject-matter of the volume or will search for it elsewhere. For the inexperienced undergraduate, the casual reader, the person who reads while he runs, this is a commendable volume.—CHARLES W. SHULL.

The competence of the electorate is the basic assumption of American democracy. Coming at a time when popular government is contending in both the military and political arenas, Winston W. Crouch's *The Initiative and Referendum in California* (Haynes Foundation, 1943, pp. 32) is very timely. Since 1911, the people of California have voted on 390 state-wide proposals in addition to the charter amendments, ordinances, bond issues, etc., submitted in most localities. Such measures as "ham and eggs," chain-store taxes, and anti-vivisection have brought unfavorable publicity, but the worst fears of the alarmists have not been justified. Although these devices have sometimes appeared to be costly and clumsy methods of formulating public policy, Professor Crouch finds that they have been used by business, professional, and civic groups, as well as by those of lesser standing, and that the voters have shown little inclination to approve the more bizarre proposals. The initiative and referendum have done much to educate the voters without having produced notably harmful results, and "the representativeness of the groups that continue to use [them] in the state and in local matters would indicate that [they] are soundly embedded in political customs of the state."—ROGER V. SHUMATE.

Workmen's Compensation for Public Employees (Public Administration Service, pp. iv, 43, \$1.50), by Leifur Magnusson, is a concise analysis of federal and state workmen's compensation legislation affecting public employees. The study was prepared under the direction of the Legislative Reference Service of the Library of Congress for use by the United States Senate Committee on Education and Labor. It indicates the degree of progress that has been achieved toward the application of the workmen's compensation system to public employees, and, at the same time, it directs attention to some of the problems for future workmen's compensation legislation for both public and private employees. Its value is considerably enhanced by the inclusion of seventeen tables of pertinent data, and also a bibliographical note on the materials relating to workmen's compensation.—WALTER H. BENNETT.

Whoever wishes to learn readily the methods by which employers and employees bargain collectively should read Neil W. Chamberlain's *Collective Bargaining Procedures* (American Council on Public Affairs, 1944, pp. 141, cloth \$2.00, paper \$1.50). In simple, lucid language, Chamberlain describes the selection of bargaining agents and explains improvements in bargaining procedures, including the determination of attainable objectives, careful preparation of agenda, utilization of research data, and employment of informed and impartial umpires. It is notable that most accounting, designed for internal control of business, is little suited for col-

lective bargaining needs. Public interests are so involved in collective bargaining that modern and effective bargaining procedures should be required by law. This book is based largely on interviews with labor and employer representatives. In publishing it, the American Council on Public Affairs has performed another useful service.—GARLAND DOWNUM.

FOREIGN GOVERNMENT AND POLITICS

A group of Canadian experts have collaborated, under the editorship of Professors Alexander Brady and Frank Scott, to produce an able, comprehensive survey of policies for Canada in the postwar period, in *Canada After the War* (Macmillan Co. of Canada, Ltd., 1943, pp. ix, 348, \$4.25). The essays cover economic, social, and political aspects of postwar Canada, international as well as national, and are prescriptive as well as analytical. A considerable range of Canadian opinion is represented, and a tone of critical realism is evident throughout most of the studies. A balance has been well struck, in the volume as a whole as well as within individual contributions, between the national and international problems facing Canada after the war, and stress is laid on the close relationship between these two sides of each problem. One is indeed struck throughout by the absence of any evidence of isolationism and by the obviously great dependence of Canadian internal policies on developments in the world at large, in particular in the United States. A reading of this book by Americans is indeed valuable, not only as a source of information concerning wartime trends in the northern neighbor, but as a salutary reminder of the potent, even determining, influence which American policies will have on the rest of the world, in particular on small countries such as Canada. Somewhat paradoxically, another feature common to most of the essays is a strong Canadianism, a reflection of the increased stature of the country as a result of wartime developments and of the complete independence which it now enjoys as a member of the Commonwealth. Traces of the earlier dependence on Great Britain and on the United States remain in the almost complete ignoring of the rôle of other than the English-speaking countries, such as Soviet Russia, even in the essay entitled "Canada and the World." Various American specialists will be interested in individual contributions on such problems as regionalism and national interest, social control and free enterprise, the impact of war on parliamentary democracy, the inadequate constitutional basis for Canadian postwar policies, the reconstruction of the social services, problems of attaining full employment and international economic organization, and policies for Canadian agriculture and industry. On the whole, there is evident a considerable readiness to accept far-reaching social controls, both national and international, and state intervention,

with a keen awareness of the difficulties surrounding such policies in a system that is predominantly free enterprise and highly dependent on international developments.—GORDON SKILLING.

In his *The British Commonwealth: Its Place in the Service of the World* (London: Hutchinson and Co., pp. 174, 7/6), Sir Edward Grigg makes an effective plea for the maintenance and strengthening of the Empire, for the close association of the Dominions with Britain in the responsibility for its government, and for the active coöperation of the Empire, thus invigorated, with the United States, Russia, and China for the preservation of world peace. Only when actively supported by all the peoples of the Commonwealth and of the Empire, the author believes, can Britain continue to play an effective part in the postwar world. Separately, the parts of the Empire will be but pygmies among giants. Combined as one powerful economic unit, and following a mutually agreed foreign policy, they would have an influence second to none. The author does not believe that a super-government of representatives of all parts of the Empire is either necessary or desirable. Empire federalism he rejects as inconsistent with national democracy. Each people must retain its own national sovereignty. The Imperial Conference for continuous consultation, not only by governments, but also by parliamentary delegations in regions is the formula prescribed. Britain's rôle is conceived as a dual one. She must give leadership in Western Europe and protect the Empire's communications in the Mediterranean. And she must play her part in regional systems of security with Canada in the Atlantic, with the South African Union in Africa, and with India, New Zealand, Australia, and colonial groups in the Pacific. The time has arrived when equality of status must be supplemented by equality of function and responsibility. This excellent little book will give little comfort to those who are waiting for "the liquidation of the British Empire."—ELMER D. GRAPER.

How many Americans who speak, write, or think globally know India? Here is a guide for them. *The People of India* (Sheridan House, pp. 375, \$3.00), by Kumar Goshal, tells the story of India, and interprets its social and political ideals from the earliest dawn of history to the present. One of the author's contentions is that India, with all its varied problems, is not a special creation and should not be treated in world politics as unique, absolutely different from other nations, and he draws many interesting historical parallels of development between India and Europe to prove this. The book is divided into four sections. The first is a series of brilliant expositions dealing with the ancient heritage of the race. The second narrates how the British East India Company secured its first toe-hold in India, slowly pushed its domination over the subcontinent, and pro-

ceeded with its ruthless exploitation. The third is the heart of the volume. It recounts the passing of India from the British corporation to the British crown, tells of the rich land and poor people, the hamstringing of industrialization under imperialism, and the rise of nationalism. The fourth consists of a number of vivid pictures depicting India in the second World War, the Cripps mission, and after. Mr. Goshal, who is an Indian by birth and now a resident of the United States, asserts that caste, illiteracy, Hindu-Moslem differences, hunger, widespread diseases, and other similar evils spring from the awful poverty in the midst of potential plenty. The cure for these ills is industrialization. And to develop industries, India must first secure its political freedom. To ask the people of India "to rid themselves of these evils before they are free is like asking a sick man to get well before giving him any medicine." The book is richly informative and carefully documented. As a fresh and intelligent interpretation of India, it will rank high.—SUDHINDRA BOSE.

A little book that is almost unique in various respects is Segundo V. Linares Quintana's *Los Partidos Políticos en los Estados Unidos de América, Su Ordenamiento Jurídico* (Editorial Depalma, Buenos Aires, 1943, pp. xviii, 217, \$5.00 m/n.). The significant thing about this study is that it was written at all. Sober and scholarly studies of any aspects of United States government, written by authors "down under" for the consumption of their own compatriots, are almost non-existent. Especially in these days when the waters between Argentina and the United States are muddied as much as they are, a study of this kind is welcome. For that reason, if for no other, we owe a debt of gratitude to Professor Linares. There is little in the book that is profound and nothing that will be new to those familiar with the literature of the field in this country; but of course the study must be judged by the contribution it makes to Argentine and not to United States bibliography. Among other aspects, the author deals with the historical development of parties in the United States, with their rights, with legal and judicial control over them, with the internal organization of our parties, and with legislation on corrupt practices. About two-fifths of the book is occupied by a Spanish translation of various federal and state statutes dealing with party regulation. Professor Austin F. MacDonald, of the University of California at Berkeley, himself the author of a notable recent study of the Argentine government, contributes a very useful prologue to the book.—RUSSELL H. FITZGIBBON.

INTERNATIONAL LAW AND RELATIONS

Of recent statements dealing with the problem of *What Shall Be Done with Germany?*, Professor James K. Pollock's lecture under that title (delivered on the Frank B. Kellogg Foundation for Education in Interna-

tional Relations, Carleton College, 1944, pp. 62) is distinguished by the author's thorough understanding of underlying factors and the unemotional quality of his thought. Justifying his digression into forecasting and political projecting, he refers to "the separation of thought from action which has cursed German education," and proceeds to state three goals that should be kept in view: first, to direct German energies into constructive channels; second, to help the Germans to new ways of thought and action; and, third, "to try to fit them into a new world order where they can contribute to rather than interfere with world peace." As the immediate and all-important aim, however, the definitive destruction of the German military machine and the elimination of war-making motives from the German political, social, and economic set-up are postulated. Various ideas for accomplishing these ends are discussed, among them the "harsh" proposals made by Lord Vansittart and the "soft" arguments of anti-Nazi Germans abroad who indulge in easy vistas of a democratic and socialistic postwar Germany. The author's view seems realistic that no ready-made alternative can be expected in Germany when Nazism collapses, and that the deep-reaching effects of twelve years of Nazism on the German population as a whole can hardly be over-estimated. He might also have stressed the fact that German fascism is not a product of late years or, as some think, of "a preposterous concatenation of adverse circumstances," but that it has its antecedents in intellectual history dating back at least a century. If ingrained evils are to be uprooted, the availability of the German administrative machinery in the reconstruction period must be viewed with utmost caution. Long imbued with the traditions of the monarchy, and socially close to army officers, industrialists, and Junkers, the German civil service sabotaged the Weimar Republic under the pretense of "non-political" efficiency. Not even in its judiciary sector did it show much zeal for upholding vital interests of the Republican régime; and the upbuilding of Reichswehr *cadres* in Russia with subsequent secret rearming was done with the connivance of leading officials in most Reich ministries. The long-term application of the tightest control by the International Government Commission is therefore necessary to thwart the German war party and assure permanent disarmament. Pollock is inclined to leniency on that point. Moreover, his assumption that "in perhaps two years" the Germans will "measure up" to the responsibilities of democratic self-government (p. 35) appears to the reviewer too optimistic. Nor can the reviewer find merit in the proposal to "convert a large part of the army into a labor army," unless such a disciplined force is kept under foreign supervision, as the Russian plan provides. The danger of unemployed veterans roaming the country should be banned by a reconstruction program comprising all of Europe. Unfortunately, thus far, no such program seems to be in the offing.

But not every proposal to dismember Germany must *necessarily* be reactionary, and some would make economic planning for Germany and Europe "quite impossible" (p. 17). Whether this is so depends on how that planning is done and by whom. Besides, there is no reason why the Germans should not supply a special guarantee for the peace of Europe by a dispersal of their political power more fundamental than Dr. Pollock suggests. If one believes—as the author does—that through economic and technological integration many a European problem might be solved, the importance of historico-political, ethnic, and cultural frontiers would seem to decrease. On the other hand, the acceptance of peace has to be made profitable to the Germans in the long run. Dr. Pollock's suggestions to that effect, although not elaborate, are interesting. His emphasis on an energetic policy to bring about "a radical transformation of the political, economic, and cultural structure of Germany" is well placed. By publishing the pamphlet, Carleton College has rendered a distinct service. —HENRY P. JORDAN.

In his *Latin America and the Industrial Age* (G. P. Putnam's Sons, pp. x, 277, \$3.00), Dr. Fred J. Rippy presents an "introductory contribution" to a segment of Latin American history which has hitherto been revealed in only a fragmentary way despite its essential significance. A main contention of the work is that "capital and technology under corporate control have been, and will continue to be, a very fundamental factor in Pan-American relationships," and hence information on the subject should contribute to the welfare of the hemisphere. Over half of the study is devoted to the establishment and development of transportation facilities, in themselves fundamental necessities to further industrialization. First the steamboat appeared, to link more closely isolated Latin American ports with European and North American markets, and a little later to transport freight on the great South American rivers. Railways and highways followed to open up the interior, and in many cases construction was slow and costly because of great natural obstacles and because of financial complications. As in the days of the conquest of the Americas, men became professionals in the field, and Dr. Rippy's presentation of the whole Latin American scene makes more striking the contributions of a Henry Meiggs, a William Wheelwright, or a Minor C. Keith. A second major field covered in the book is that of development of communication facilities—the cable, the telegraph, and the telephone; radio enterprises have been treated very briefly. The growth of aviation is surveyed, and there are sections on production of minerals and petroleum, sanitation and medicine, electrical services, and on the achievements of such scientists as Charles Frederic Harrt, Orville A. Derby, and John Casper Branner. A chapter, which is painful reading in view of the current rubber

shortage, chronicles the failure of the great plantation rubber boom which started shortly after 1880. In the process of industrialization in Latin America, citizens of the United States and the United Kingdom contributed much in both capital and technical knowledge, and Dr. Rippey also gives due credit to the possibly less well-known participation of Latin Americans themselves. Because the author considers his well-written study only an introduction to an extensive theme, he has indicated suggestions for further research in an appended list, and has given ample summaries on materials used in each chapter. It is to be hoped that the story of industrial development in Latin America, to which the present war period has added a series of chapters, will be carried on as it has been started.—DONALD ROLAND.

Tea under International Regulation (Stanford University Press, 1944, pp. vi, 198, \$2.50), by Vernon D. Wickizer, is the latest of four volumes prepared by the Food Research Institute of Stanford University. The author first outlines the world tea situation. The British Empire is the chief producer of tea, in two major areas, India and Ceylon, and four minor African areas—Uganda, Kenya, Tanganyika, and Nyasaland. More than two-thirds of the Western tea market is found under that flag. There is a good discussion of problems of plantation tea culture. The "black tea countries," India, Ceylon, and the Netherland Indies, are treated separately from the "green tea countries," Japan, Formosa, and China. The larger part of the book is devoted to discussing the International Tea Agreements. The term "international" is rather misleading, since the agreements are not intergovernmental arrangements, but are made between tea producers in black tea countries, India, Ceylon, and the Netherlands Indies, to reduce production and stabilize prices. The first Agreement, for the five-year period 1933–38, included provisions on exports, new plantings, etc., export quotas being based on the three preceding years 1929–31 as standards. The International Tea Committee (ITC) was composed of representatives from the three countries—38 votes for India, 25 for Ceylon, 17 for the Netherland Indies. The three governments backed the Agreement with compulsory legislation. Export quotas for the first year 1933–34 were set at eighty-five per cent of standard exports, and unfilled quotas could not be carried over to the next year. The operation of the Agreement is carefully traced with full statistics, much of the data being taken from the annual reports of the ITC. In 1934, the African areas joined the plan. Interesting analysis of the effect of the Agreement on the non-adhering countries—China, Japan, Formosa, Mozambique, and French Indo-China—are included. The Second Agreement (1939–43) is also fully traced, and the treatment includes those factors which arose as a result of war or prewar conditions. The conquest of the Netherlands

Indies in the winter of 1942 practically terminated the Agreement for that region. The English government took over tea supplies and made contracts with the tea producers. The appendix contains the Agreement of 1938-43 and the Indian Tea Control Act of 1938, but unfortunately not the Agreement of 1933. There are numerous and well selected statistical tables. This excellent book gives a valuable insight into a subject which has hitherto received little attention.—BESSIE C. RANDOLPH.

Symptomatic of the growing importance of international administration was the Conference on Training for International Administration held at Washington, D. C., August 21-22, 1943, under the auspices of the Division of International Law of the Carnegie Endowment for International Peace, the *Proceedings* of which (Washington, D. C., pp. ix, 131) have just been released "for restricted distribution only," for the benefit of administrators, educators, and others specially interested in the subjects. Two prior conferences on "Experience" in international administration, also under auspices of the Endowment, had been held in 1942 and 1943. This is the first on "Training." Twenty-three conferees, drawn from eminent graduate schools, training centers for personnel for military occupation purposes, and the State Department, and from active or prior service in such organizations as the League of Nations, the I.L.O., and the Pan-American Union, participated under the chairmanship of Director George A. Finch. The discussions explored the "practicability of outside training for international administration," the "kinds of training available or desirable," the mechanics and curricula for training, and the "kinds of persons to be selected for training." The discussions were entirely informal. No papers were read. Two memoranda, one on the United States foreign service examinations and another on the School of Interpreters of the University of Geneva, appear as appendices. Much diversity of view appeared on every point in the agenda. The estimates of the demand for administrators in the immediate future (pp. 39-41) appear not to have included the personnel of several dozen unions such as the U.P.U., those on Industrial Property, Telecommunications, etc., or the newer ones already launched or on the ways. The most optimistic of the needs would not, however, "justify every university in the country offering a training program" (p. 39). Stimulating, provocative, informative, these discussions may foreshadow a development in the field of international administration comparable to that of public administration for domestic purposes thirty years ago.—HENRY REIFF.

To enable the I.L.O. to perform for national constitutions a service similar to that already rendered for national laws and regulations, a documentary volume, *Constitutional Provisions Concerning Social and*

Economic Policy (Montreal: International Labor Office, pp. lix, 755, \$5.00) has been prepared. The collection contains constitutional provisions concerning social and economic policy in 450 countries and other governmental units. "Both the secular trend of constitutional evolution in the world as a whole, and the current emphasis upon the emergence of the social objective as the principal determinant of public policy, suggest that the new constitutional instruments which we may expect to see framed in such large numbers in all parts of the world will be inspired to an unprecedented extent by preoccupation with social and economic problems." To facilitate the incorporation of such matters in constitutional documents, the I.L.O. has collected the texts of pertinent provisions which have appeared to date. The volume does not aim to suggest a model constitution, or even to outline specific objectives of progressive policy. Rather, it seeks to make possible a synthesis of the constitutional experiences of various governments with these problems. It is intended, as well, to catalyze social and economic realities into constitutional statements. The texts have been arranged by continent; the subject-index makes possible an analysis of existing constitutional provisions by topic, as well as by country; and a penetrating introduction explores the potentialities of socio-economic declarations. The volume will be indispensable to delegates at any coming peace conference who sincerely desire to realize the aims of the peoples of the United Nations.—RITA DAVIDSON.

If Bacon were here today, he would say: "Of the making of speeches and books on postwar problems there is no end." That is the way democracies educate themselves and prepare for action; although sometimes we think that they are prone to talk too much or, at least, that they are slow in decision and action. *Postwar Goals and Economic Reconstruction* (New York University Press, 1944, pp. xii, 297, \$3.50), edited by Arnold J. Zurcher and Richmond Page, presents fifteen addresses delivered under the auspices of New York University's Institute on Postwar Reconstruction in the fall and winter of 1943-44. The first four speakers (Leon Henderson, Leverett S. Lyon, Emil Rieve, and Boris Shishkin) discuss the postwar aims of industry and labor; two (Benjamin Higgins and Gardiner C. Means), the short-term problems of conversion of labor, war machinery, and inventory to peace-time needs; three (Mabel Newcomer, Alvin H. Hansen, and Thurman W. Arnold), international postwar problems, including relief, rehabilitation, and foreign trade; and six (Frank B. Jewett, Donald H. Davenport, William C. Clark, Eugene Staley, Abraham Kaplan, and Calvin B. Hoover), general fiscal, economic, and political theory and policy. It is not feasible to discuss each of the addresses, and comparisons would be invidious; but it may be said that perhaps none of the authors is more optimistic or challenging than Gardiner C. Means on "How May Business Enterprise be Expanded

after the War" and Thurman W. Arnold on "How Shall We Deal with Monopolies?" In *Postwar Tax Policy and Business Expansion* (Brookings Institution, 1943, pp. 46, \$0.50), Lewis Kimmel advocates as the main solution of postwar business and employment problems the encouragement of enterprise by removing or lessening tax restrictions on business, and especially on venture capital. He would even favor new enterprises by some temporary tax exemption, even though this appears somewhat inconsistent with his condemnation of the use of taxation for other than revenue purposes. He realizes, however, that neither taxation nor tax exemption is a panacea.—ROY G. BLAKEY.

The descent to a financial Avernus is easy. Mix two parts of cupidity of international banking and great power diplomacy and one part of local financial irresponsibility, stir well in the cock-pit of Europe at the normal high political temperature for seventy years, and the result is international financial control. This pattern is applied to Greece in John A. Levandis' *The Greek Foreign Debt and the Great Powers, 1821-1898* (Columbia University Press, pp. x, 137, \$2.25). As the title indicates, the loans of the war of independence, the guaranteed loan of 1832, and the group of loans from 1879 to 1890 are studied as to circumstances, purposes, onerous terms, defaults, and resulting intervention and control. The analysis is good, although one might suggest that the relation of cupidity to irresponsibility was perhaps nearer one-to-one than two-to-one; also one might emphasize more the legal bases for the "special rights of supervision and control" specifically renounced by Great Britain and France in the Greek minorities treaty of August 10, 1920. Such a picture, viewing primarily the economic side, is necessarily incomplete. While Greece was getting more deeply enmeshed in financial difficulties and control, she was, on the other hand, acquiring recognition from those same great powers of her political independence from Turkey and her irredentist claims to an ever-increasing territory.—WILBUR W. WHITE.

Americans too often belittle the dangers of totalitarian propaganda on the assumption that either we must suppress such propaganda, thus ourselves violating one of the first essentials of democracy, or we must allow such propaganda to flourish, thereby inviting the destruction of democracy by its enemies. In *Combating Totalitarian Propaganda; A Legal Appraisal* (Institute of Living Law, pp. 96), Felix S. Cohen (ed.) and his associates show that this is a false dilemma. "There are democratic ways of defending democracy." This pamphlet brings together a series of three law review articles in which existing federal statutes in the fields of "exposure" and "enlightenment" are analyzed as preferable to the more treacherous method of suppression. The arguments set forth are thought-

provoking, particularly Mr. Cohen's belief that all laws and regulations now restricting government publicity and printing should be "decently interred." Those who read these articles will look forward to the publication of the author's proposed "larger study" of the subject.—RAYMOND B. NIXON.

Edgar McNinnis, associate professor of history at the University of Toronto, continues in *The War: Fourth Year* (Oxford University Press, 1944, pp. xvii, 409, \$2.50) his annual chronicle with the same expertness, objectivity, balance, and lucidity which won so much praise for his first three narratives. Stalingrad, Morocco; Sicily, Salamaua live again, more vividly for the detail available after the event. Primarily an account of military and naval developments, the book contains relatively little on the political, diplomatic, economic, social, or psychological aspects of the war. Most of this will probably emerge after the war in "now it can be told" books, or when official records are available to scholars. Viscount Wavell's Introduction, and also internal evidence, indicates authentic sources, but Dr. McNinnis omits citing them. Twenty-three *New York Times* battle maps, a documentary appendix (pp. 361-375), a chronology (pp. 377-386), and a splendidly detailed index enhance the value of this excellent current history.—HENRY REIFF.

POLITICAL THEORY AND MISCELLANEOUS

Benedetto Croce's *Germany and Europe: A Spiritual Dissension* (translated and with an introduction by Vincent Sheean, Random House, pp. 83, \$1.25) is a collection of four short essays examining the relationship between Germany's ideals and the basic principles of European civilization. Far from being a systematic hater of all that is German, the Italian philosopher expresses his admiration for those Germans, like Kant and Goethe, whose thought and culture were international and humanistic. He points out, however (p. 62), that after Germany became a united and imperial state her culture and ideals became increasingly narrow, intolerant, and nationalistic, thus creating what Croce terms a spiritual dissent between Germany and the rest of Europe, which Nazism only widened. The reasons for this antagonism are not to be found in certain inherent defects in the German people, but rather in the historical incidents which presided over its cultural development and national unification. Croce seems to accept the view of an unnamed German who felt that three deficiencies had adversely affected Germany's development (p. 43 ff.): addiction to metaphysical thought "with such force of suggestion that it works almost with the primordial energy of passion" and leads to criminal fanaticism; absence of a long foreign domination from which other peoples acquired the idea and love of liberty;

and particularly the fact that Germany never was within the Roman Empire, and therefore "does not have the civilization of Greece and Rome and that of Christianity at the origins of its national history and participation in European history, but rather the ferocity and destructive impulse of the barbarian invasions" (p. 71). Since the cause of Germany's present evil is mainly historical, its remedy must also have its foundations in history; and "toward this end all the forces of European civilization should tend, with all means that present themselves when and as they become necessary, from rigor to indulgence, from exclusion to collaboration, from severity to cordiality, from conflict to conciliation" (p. 47). Any attempt to solve the German problem by mass execution or sterilization or by chopping up Germany into small states is rejected by Croce. For "foolishness can be dissolved only by reasonableness, which alone is capable likewise of resisting the blind impulses of passion even when those were originally set in motion by moral indignation" (p. 47). Croce's essays are suggestive and provocative, but far from exhaustive. There is much in them which is vague, and some inconsistencies might be found. It is to be hoped that other and more important philosophical works of this outstanding thinker will soon be translated into English.—ANGELO PIERO SERENI.

It is a sign of the terrible moral and intellectual confusion of our age not only that the desirability of such fundamental values as justice, truth, and morality is bitterly disputed, but that even their existence is denied. University professors engaged in feverishly burrowing within their professional specialties have certainly contributed to the widely-prevalent indifference to the basic ends of society and government. Whatever may have emanated from Mark Hopkins' end of the log, one may assume that it was not confined to a minute analysis of the platoon system of police administration or the relative merits of the city-manager and commission forms of municipal government. Since several Great Powers have openly challenged the validity of the ends to which a humane civilization should be devoted, proclaiming that "a handful of force is worth a sackful of justice," the study of the great moral issues of our time is by no means an academic pastime. This conflict between justice and force is brilliantly analyzed by Laurence Stepleton, of Bryn Mawr College, in *Justice and World Society* (University of North Carolina Press, 1944, pp. 150, \$2.00). This learned little book is essentially a plea for an understanding of the nature and indispensability of a Law of Nature as the underpinning of a humane civilization. The Law of Nature is regarded, quite correctly, as a political and not a legal doctrine, giving purpose and direction to government rather than determining the precise content of positive law. Indeed, it has suffered much in the past at the hands of those who have expected

too much from it in the way of concrete legal and political formulas. The author studies the assault upon the concept of a higher law which took the form of relativism or "historicism," focusing attention particularly upon Vico, Buffon, and Herder. They contributed to the development of the essential elements of historicism: "the concept of struggle as being of itself beneficial, the concept of variability beginning to take the place of belief in the unity of mankind, the concept of the importance of group or whole over against that of the individual, the concept of tradition or custom or unanalyzable feeling as being, rather than reason, the characteristic mark of man." The alternative to this "social Darwinism," which lies at the base of fascist activism, is the rational, democratic concept of justice, or the Law of Nature. The Law of Nature, Stepleton demonstrates, is rooted in the belief that justice has reality, intelligibility, representativeness, and universality. In showing that the Law of Nature is founded in experience as well as reason, and that the search for universal moral standards is facilitated by a heightened awareness of differences, the variability upon which historicism foundered is assimilated into the general concept of justice. The "revival of natural law" during the past half-century is touched upon through a brief critical examination of some of the ideas of del Vecchio and Stammmler. The idea of justice has had many revivals in the past, for it is a tough idea; let us hope for another revival. And as this book points out, if we are to have real justice, it must be universal justice, justice for all people, whatever their race, color, or present condition of servitude.—DAVID FELLMAN.

The Political Theories of Modern Pacifism (Philadelphia: Pacifist Research Bureau, pp. 56, \$0.25), by Mulford Sibley, is the first in a new series of pamphlets relating to pacifism and government. The author analyzes pacifism in Hindu religious philosophy, in Christianity, and in secular revolutionary thought. He finds five tenets in common, which he discusses in considerable detail. As a result of his study, Professor Sibley points to several "serious deficiencies and omissions" of modern pacifism: (1) the lack of a precise distinction between violence and non-violence, (2) ambiguity about the nature of power, (3) failure to see the implications of non-violence, (4) over-simplification of the economic and political problems involved, and (5) an assumption that the world is about to be won over to the ethics of non-violence. The concluding paragraph asserts the need for a reconstruction of pacifist political philosophy. The author's treatment is scholarly and illuminating, but the reader may be inclined to feel that the subject-matter is too much compressed, that a longer and more detailed discussion of the views of many of the authors mentioned would have produced an even more useful study.—NORMAN L. HILL.

Those who find the essence of political theory in the writings of men of great mind will welcome a recent doctoral dissertation, *The Theme of Plato's Republic* (St. Louis: Eden Publishing House, pp. ix, 119), by Robert G. Hoerber. The book is an exercise in literary hermeneutics. Successive chapters deal with omissions and inadequacies in Plato's discussion of political legislation, the possibility of actualizing his *Republic*, material in the dialogue contradictory of "basic principles of the state, evidence from incidental statements by Plato and from his letters concerning his visits to Sicily, Plato's admissions of inexhaustive treatment of politics in the *Republic*, the significance of the title of the discourse, a comparison of political material in the *Republic*, the *Statesman*, and the *Laws*, and, finally, an evaluation of the interpretation given by Aristotle. From all this the author concludes (pp. 112-113) that "the theme of the dialogue is the effect of justice and injustice on the soul of the individual." According to the evidence in this dissertation, "Plato did not formulate the state of the *Republic* in order to give political suggestions which he thought were practicable. . . . The purpose of the outlined state is merely to illustrate the soul of the individual." Within the extreme limits of this thesis, the author has made a good case. It is done, of course, by ignoring the influence of Plato, misinterpreted perhaps, but nevertheless profound, upon succeeding generations of men.—ALLAN F. SAUNDERS.

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AND

MARJORIE H. SIBLEY

University of Illinois

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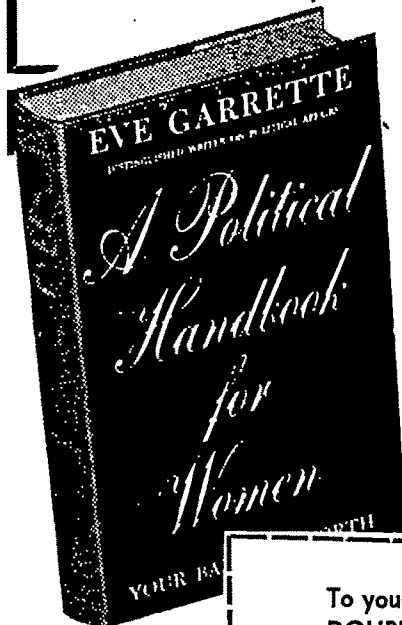
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THE NATIONAL RESOURCES PLANNING BOARD; A CHAPTER IN AMERICAN PLANNING EXPERIENCE

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In its 1933 report, President Hoover's Committee on Recent Social Trends suggested that there might in time emerge a "National Advisory Council" to consider fundamental questions of the social, economic, and governmental order, in their interrelation and in the light of the trends and possibilities of modern science.¹ This would involve neither "economic planning" nor "governmental planning" primarily, but a comprehensive consideration of all the social factors involved in the formation of national policy.

In July, 1933, the National Planning Board was set up by Administrator Ickes as a part of the Public Works Administration of that time. The membership consisted of Frederic A. Delano, chairman; Wesley C. Mitchell (chairman of President Hoover's Committee above mentioned); and Charles E. Merriam (vice-chairman of the same committee).

In 1934, this agency was made a presidential board by executive order and was composed of the Secretary of the Interior as chairman, the Secretaries of Agriculture, Commerce, and Labor, the Federal Emergency Relief Administrator, and the three members of the old Board. An Advisory Committee consisting of Messrs. Delano, Mitchell, and Merriam were placed in active charge of the work.²

In 1939, the National Resources Planning Board was established by congressional action as a part of the Executive Office of the President, with three members, Messrs. Delano, Merriam, and Yantis, appointed by the President and confirmed by the Senate.

¹ See *A Plan for Planning* (1934), p. LXIII.

² The National Resources Committee was the name given this agency from 1935 to 1939. It included the above-mentioned cabinet members plus Delano, Merriam, Ruml, and Dennison.

Messrs. Beardsley Ruml and Henry Dennison sat as advisers at all meetings of the Board, and Mr. Charles Eliot was director throughout the period. The Board was discontinued as of October 1, 1943.

Between the first report of the Board, curiously enough called the "Final Report," in 1934 and the "Resources Development" report of 1943 stretch a long series of intermediate reports, bulletins, digests, and memoranda, and technical papers.³ The two reports mentioned—the first sometimes called a "plan for planning" and the other a broad statement of a basic program of national planning—sum up the problems and difficulties of planning in the United States.⁴

Said the Board in its 1934 report: "The experience of our day shows that no system, political or economic, unless it faces frankly the grave realities of modern economic and governmental life and boldly takes the initiative in broad plans for a better day, can be protected against explosion that wrecks and twists, while social discontent struggles to build some new structure promising more to the body and soul of those who feel themselves disinherited by the existing order of things."⁵

The primary function of the Board was that of advice to the President on problems of long-range planning. Board meetings were held on an average of once a month, and covered from two or three days to five weeks. Many conferences were held with the President in which suggestions were made by him or to him, long-time programs were set up, progress and final reports were made and discussed. All public reports of the Board were "White House releases." In addition to this, advice was asked from the Board on a variety of proposals and problems in the field of national planning, as for illustration the Columbia River development. An agenda of proposals was regularly presented to the Executive; and unless otherwise directed, it was understood that the "green light" was given to go ahead with the agenda.

I do not recall any instance of partisan politics entering into any of the many conferences and discussions. "Planning" had been a

³ The seventy major and many minor publications of the Board are itemized in mimeographed form (5 pp.), and notes covering the outlines of the Board's activities, are found in "Guide to the Files of the NRPB" by Eliot and Merrill, December 31, 1943. A bibliography of Board publications is published by the American Society of Planning Officials, as publication number BB14 (1944).

⁴ See especially pp. 22 and 23 on why business alone cannot plan successfully; also the chapters on the rôle of science in planning. ⁵ P. 22.

special interest of the President while governor of New York, especially rural planning, and he was at all times keenly concerned with the over-all view of national resources development. The Board's first general assignment was the preparation of a comprehensive report on land and water resources (1934). By the Reorganization Act of 1939, the Board was required to prepare a continuing six-year program of public works, and further to report to the President on the industrial situation of the nation, with especial reference to possible slumps in the business cycle.

Major reports were transmitted to the Congress by the President for their consideration and action. There was no congressional committee on planning to which all recommendations might regularly be made, although such committees have since been set up in both houses. Such committees and a joint committee on planning representing both houses were frequently urged by the Board and by others as a channel of communication between the executive and the legislative branches of the government. After many years of effort, it has been possible to set up both executive and legislative agencies for dealing with personnel and with budget, but not thus far for planning. When these three arms of personnel, budget, and planning of the general staff are twinned by three arms of the Congress, the way will be clearer and easier for both the Executive and Congress.

A continuing activity of the Board was clearance of information, projects, and ideas between (1) federal agencies, (2) federal, state, and local regional agencies, and (3) public and private agencies in these areas and functional groupings. Conferences and consultations were held for this purpose both in Washington and in the field. Special efforts were made by the Board in the direction of consultations with business, labor, agriculture, and with the special federal agencies concerned with aspects of planning (after the cabinet membership basis was altered). Many of these repeated conferences were of the very greatest value in the determination of lines of national policy. A special liaison was made with the Federal Reserve Board by the designation of reciprocal members of the two boards for this purpose.

The staff organization consisted of technicians recruited from many fields, supplemented by a number of part-time consultants who were available for service from time to time, either in Washington or in their own stations. A very considerable amount of

assistance was given to state and regional planning agencies through full-time or part-time technicians employed for such purposes; and a vast amount of service was rendered by volunteers from many fields.

The technical staff was organized in sections or divisions, with Thomas Blaisdell, Gardiner Means, Spurgeon Bell, and others in the industrial division; Watkins, McLaughlin, and others in the area of power and transportation; Henry Waite and Frank Herring in public works, along with many notable consultants such as Dean Saville. In urbanism, there were Segoe, Ascher, Orton, Mitchell, and many others. Luther Gulick was in charge of post-war programs, and John Miller was in general charge of a number of state and regional advisers.⁶

Much of the work of the Board was carried on through technical committees, made up of federal agency personnel, plus other officials and citizens. The Land Committee, for example, was composed of William I. Myers, chairman, then head of the department of agricultural economics and farm management in the College of Agriculture at Cornell University; Oscar L. Chapman, assistant secretary, Department of the Interior; Charles C. Colby, professor of geography, University of Chicago; Philip H. Cornick, Institute of Public Administration; M. S. Eisenhower, assistant director, Office of War Information; Charles A. Lory, president emeritus, Colorado State College of Agriculture and Mechanical Arts; Lee Muck, assistant to the secretary in charge of land utilization, Department of the Interior; R. L. Thompson, president, Federal Land Bank of New Orleans; H. R. Tolley, chief, Bureau of Agricultural Economics; E. H. Wiecking, land use coördinator, Department of Agriculture; Joel D. Wolfsohn, assistant commissioner, General Land Office; and John B. Bennett, secretary.

The Science Committee brought together members from the National Research Council, the Social Science Research Council, the American Council of Learned Societies, and the American Council on Education, all under the chairmanship of Dr. E. B. Wilson of Harvard University. This was the one place in the country where these important elements and agencies came together.

The inquiries and recommendations of the Planning Board covered a broad range of national problems, including the field of

⁶ On the discontinuance of the Board, almost all these persons were transferred to important positions in other agencies of the government.

public works,⁷ embracing regional and local developments; power⁸ and transportation;⁹ land¹⁰ and water¹¹ use; urbanism¹² and regionalism;¹³ the structure of the national economy,¹⁴ including consumers' budget;¹⁵ housing; a broad study of social security;¹⁶ the demobilization of veterans;¹⁷ scientific inquiries into population, 1937-1942;¹⁸ technology and trends, 1937;¹⁹ research as a national resource (1938);²⁰ and a sweeping plan for development of national resources (1943 report). An adequate analysis of these reports, even of the seventy major reports, and of their findings, conclusions, and recommendations, together with an appraisal of their significance in substance and in accomplishment, would require more pages than this article would permit.

The underlying philosophy of the Board was expressed in what was called "A New Bill of Rights," supplementing earlier and existing rights already accepted:²¹ (1) the right to work usefully and creatively through the productive years; (2) the right to fair play, adequate to command the necessities and amenities of life in exchange for work, ideas, thrift, and other socially valuable service; (3) the right to adequate food, clothing, shelter, and medical care; (4) the right to security, with freedom from fear of old age, want,

⁷ Of special note was J. M. Clark, *Economic Planning of Public Works*, and the annual reviews of public works problems and policy; also the regional resources development projects.

⁸ *Energy Resources and National Policy* (1939), and supplements.

⁹ *Transportation and National Policy* (1942).

¹⁰ Report of Land Planning Committee of 1934, and a series of subsequent analyses and recommendations, notably the report of the Northern Great Plains Committee.

¹¹ Report of the Water Planning Committee (1934) and reports on various drainage areas, and other collateral reports.

¹² *Our Cities* (1937), and supplementary reports.

¹³ *Regional Factor in National Planning* and regional reports of succeeding years, especially *Regional Resources Development* (1942) and reports on the Pacific Northwest (1942), the South East (1943), the Arkansas Valley (1943), and others.

¹⁴ *Patterns of Resources Use* (1938); *Structure of the American Economy* (1939); *Toward Full Use of Resources* (1940), and regional studies.

¹⁵ *Consumer Incomes* (1938); *Consumer Expenditures* (1939).

¹⁶ *Security, Work, and Relief Policies* (1942).

¹⁷ *Demobilization and Readjustment; Report of the Conferences on Post-War Readjustment of Civilian and Military Personnel* (1943).

¹⁸ *Problems of a Changing Population* (1938); also L. K. Frank, *Human Conservation* (1943).

¹⁹ *Technological Trends and National Policy* (1937).

²⁰ *Research—A National Resource* (1938-41).

²¹ *Our Freedoms and Rights* (1942). Cf. C. E. Merriam, *On the Agenda of Democracy* (1941); Beardsley Ruml, *Unfinished Business* (1943).

dependency, sickness, unemployment, and accident; (5) the right to live in a system of free enterprise, free from compulsory labor, irresponsible private power, arbitrary public authority, and unregulated monopolies; (6) the right to come and go, to speak or to be silent, free from the spyings of secret political police; (7) the right to equality before the law, with equal access to justice in fact; (8) the right to education for work, for citizenship, and for personal growth and happiness; and (9) the right to rest, recreation, and adventure, the opportunity to enjoy life and take part in an advancing civilization.

The practical program of the Board was based upon the idea of a dynamic expanding economy on the order of 100 to 125 billions of national income. The Board recognized that we stand on the threshold of an economy of abundance, attainable if the will and the skills are made available. If we can buy what we make, industry and labor can be stabilized and the standards of living raised notably, perhaps in the ratio of one-third to one-half.

With this in mind, the Board contended that it should be the declared policy of the United States government, supplementing the work of private agencies as a final guarantor if all else failed, (1) to underwrite full employment for employables; (2) to guarantee a job for every man released from the armed forces and the war industries at the close of the war, with fair pay and working conditions; and (3) to guarantee and, when necessary, underwrite equal access to security, equal access to education for all, equal access to health and nutrition for all, and wholesome housing conditions for all.

More specifically, the Board's recommendations embraced plans for transition from war to peace, including (1) demobilization of men from the armed forces and war industries; (2) demobilization of war plants, machines, and war contracts, and (3) demobilization of war-time economic controls. They included also plans for the development of an expanding economy through the coöperation of government and private enterprise; plans for private enterprise; plans for finance and fiscal policies; plans for improvement of physical facilities, including urban redevelopments; transportation, energy, land, and water projects; and finally essential safeguards of democracy.

There were further plans for service and security: plans for development of service activities, including nutrition, education, and

health; plans for underwriting employment; plans for development of social security, including programs of security and public aid supplementing existing conditions. And finally there were plans for action by state and local governments and regions.

Attention was called to the urgency of measures to encourage the healthy and aggressive development of private enterprise, to stimulate initiative and resourcefulness of management, and to open the channels of investment opportunity, large and small. There was stressed the significance of measures to prevent the abuse of economic power or monopolistic privilege, and of measures to eliminate avoidable uncertainties and needless burdens in the laws affecting enterprise and in their administration.

Essential safeguards of democracy were not omitted. Plans were urged to prevent the rise of new industrial oligarchies during the war or during the period of readjustment following the cessation of hostilities, including enforcement of anti-trust laws to break up monopolies and provide opportunities for small business enterprises; and adequate provisions for upholding the right of labor to collective bargaining, fair wages and hours, healthy and effective working conditions, responsibility in organization, and sharing in management. Measures to maintain the fair share of farmers in the benefits of an expanding economy, with opportunity for higher standards of living and greater security, were also urged.

To summarize the work of the Board:

1. By far the most important function of the Board was advice given to the President, and through him to Congress and the public, upon long-range planning policies. Sometimes this counsel was in entirely new fields, and again in the coördination and integration of existing plans which tended to clash with each other, as in public works projects.

2. The clearance of information, plans, and projects within the federal government and various levels of government, national, state, and local, was of prime importance, and was a service which was not and could not be performed by any other agency. Even in the private field, the Board served as a point of clearance through its Science Committee for the Social Science Research Council, the National Research Council, the American Council of Learned Societies, and the American Council on Education with its twenty-seven branches.

3. Another function was the stimulation of interest and activity

in planning, nationally, in states, regions, and cities, and in private fields as well. State and regional planning boards were aided and stimulated to new fields of action, and city boards were revived and rejuvenated in many instances. City planning on a far broader basis was encouraged, while state planning, starting with the older conservation boards, many of which had fallen away, took on new vigor and a significant position in the life of the commonwealth.²²

4. Interest in post-war planning was stirred by the various Board reports on this problem, beginning in 1941 with *After Defense What?* and continued in 1942 in *Toward Full Employment* and *Toward Security*, both of which were given wide circulation. At first these reports were challenged as constituting unwise interferences with the war program, but it was soon seen that winning the peace was of equal importance with winning the war.

5. Notable advances were made in the field of public works, especially in the preparation of six-year budgets of federal public lands as required by the Employment Stabilization Act. States and cities were aided also in the development of systematic long-range capital budgets. Far-reaching plans for regional works (land and water) were prepared. The analysis of the relationship of public works to the business cycle was more carefully analyzed and presented than ever before.

6. Closely related to this was the broad program for development of national resources, including land, water, power, and minerals, in every region of the land. Much of this indispensable material was made available to the War Production Board through effective liaison with that agency by members of the Board staff in this field. The power and transportation programs of the Board were little noticed in the excitement of the moment, but contained elements of substantial value.

7. The urbanism report of the Board in 1937 and supplementary research and recommendations set a standard for municipalities. Staff advice and assistance were of substantial value to many cities in formulating their programs.²³

8. The report on security, work, and relief policies provided for a broad program in the field of education, health, old age insurance

²² See Clifford Hynning, *State Conservation of Resources* (1939).

²³ This report was translated into Spanish, and was widely circulated in Britain.

and assistance, and for unemployment insurance.²⁴ These proposals at first were characterized as the "American Beveridge Plan," but were undertaken long before the British plan, and in fact were used by Beveridge in the preparation of his report. It happened that the Beveridge plan appeared several months earlier. These proposals were at first severely criticized, but in the course of time the general principles of the security reports were accepted without much regard to political parties.²⁵

9. The Board's development of the idea of an expanding dynamic economy as the basis of national welfare, of economic stabilization, and of higher standards of living. The early analyses of the structure of the American economy, the elaborate studies of consumer income and budgets, the emphasis on thinking in terms of national income—these were of far-reaching importance and influence.²⁶ "If we can buy what we can make" was the formula with which unemployment and standards of living were attacked. This was generally challenged at first, but was gradually accepted and made a standard formula of action by many leaders of national policy in all groups. The 100 to 125 billion estimate of necessary national income which the Board set forth in its earlier reports rose, however, to 140 billions and beyond in subsequent estimates of others.

10. The report of the Board (1943) on demobilization of the armed forces of the United States was generally accepted and became the basis of the "G.I. Bill of Rights" adopted enthusiastically by Congress. The detailed report of the Conference of which Floyd Reeves was chairman was the basis of this action.²⁷ The recom-

²⁴ Compare the Beveridge Report (1943) and the British White Paper on Insurance (1944).

²⁵ The Committee for Long Range Work and Relief Policies had the following members: William Haber, chairman, director of the bureau of program planning and research, War Manpower Commission; W. W. Alexander, chief of minorities service, War Manpower Commission; C. M. Bookman, executive vice chairman, Community Chest of Cincinnati; Corrington Gill, consultant, War Department; The Rt. Rev. Francis J. Haas, dean, School of Social Science, Catholic University of America; Fred K. Hoehler, executive director, American Public Welfare Association; Katherine F. Lenroot, chief, Children's Bureau, Department of Labor; Mary E. Switzer, assistant to the administrator, Federal Security Agency; Thomas J. Woofert Jr., director of research, Federal Security Agency; and Eveline M. Burns, economist.

²⁶ See A. G. Gruchy, "Economics of the NRC," in *American Economic Review*, Mar., 1939.

²⁷ The Conference on Post-War Adjustment of Personnel was composed as follows: Floyd Reeves, chairman, University of Chicago; Lt. Col. Francis T. Spauld-

mendations called for three-month veterans' furloughs at not exceeding \$300 a month, unemployment compensation if no job was available, special aid and counsel and readjustment and rehabilitation, special provision for picking up the broken threads of interrupted education, veterans' credit for old age and survivors insurance, opportunity for agricultural employment and settlement in various cases (this in addition to existing provisions for rehabilitation and training under earlier laws).

11. Some of the most important suggestions of the National Resources Planning Board came within the field of over-all governmental management. One of these was the recommendation by the Board that there be established a committee on over-all management; and from this sprang the President's Committee on Administrative Management, leading in turn to the establishment of the Executive Office of the President and to a great variety of other measures relating to the improvement of central administrative direction. A considerable part of this program was enacted in 1939 and put into effect at various points in the administrative service as time went on. But the end is not yet.

Another recommendation was for the establishment of an Advisory Committee on Fiscal and Monetary Control, including the Secretary of the Treasury, the Governor of the Federal Reserve Bank Board, the Director of the Budget, and the chairman of the National Resources Planning Board. This body, which functioned for a short time, demonstrated the possibilities of unified fiscal organization and direction, a problem which still unfortunately remains unsolved in our federal structure.

I shall not undertake to unsnarl the tangled threads of the liquidation of the Board, although supported by many leaders of both parties. Congressional-Executive rivalry, attitudes toward the New Deal, difficulties with the personnel problem, the general fear of planning as an entering wedge to total "economic planning,"

ing, Special Services Branch, in charge of education, War Department; Gen. Lewis B. Hershey, director, Selective Service System; Brig. Gen. Frank T. Hines, director, Veterans' Administration; Edward C. Elliott, chief, Professional and Technical Employment and Training, War Manpower Commission; William Haber, chairman, Planning Committee, War Manpower Commission; T. J. Woofter, director of research, Federal Security Agency; A. F. Hinrichs, Bureau of Labor Statistics; Howard R. Tolley, chief, Bureau of Agricultural Economics, Department of Agriculture; Lt. Comdr. Ralph A. Sentman, United States Navy (retired); and Francis J. Brown, Joint Army and Navy Committee on Welfare and Recreation.

all played a part. These have been almost forgotten already and the sounder view now prevails.

Every over-all office in government, or outside government for that matter, encounters and must overcome many like obstacles in the organizational field. The civil service, the budget, the general staff in the Army, are all striking illustrations of the persistent rivalry between line and staff agencies of action. Rivalries between the Congress and the Executive, between political parties, between central and local agencies of government, between economic classes and interests, will go on, but the function of planning, in local, state, and national government, in private as well as in public government, is firmly established as a part of community policy.²⁸

Since the discontinuance of the Board, its functions have been distributed among a wide variety of agencies, central and local, public and private.²⁹ State and city planning boards have been more active than ever before in elaborating community plans. Private agencies are likewise numerous and prolific, among the more conspicuous being the National Planning Association, the Committee for Economic Development, the Twentieth Century Fund, and innumerable committees of industry, business, labor, and agriculture. On the whole, there has been far more planning than ever before, on all levels of government and society.

The nearest approach to a central clearing house of activities is found in the American Society of Planning Officials, which carries on important and useful work under the directorship of Walter Blucher. The Council of State Governments, the American Municipal Association, the City Managers' Association, and other like organizations are actively engaged in the task of elaborating adequate planning in their fields.

In Washington, the work of planning is carried on from the legislative side by Senator George's Committee on Post-War Planning and by Representative Colmer's Committee on Post-War Planning.³⁰ A huge highway planning program and many other works programs are scattered among several congressional committees. On the administrative side, various planning duties have been devolved upon the Bureau of the Budget, the Federal Works Administration, the War Production Board, the Office of Economic

²⁸ See Dean Hudnut, "The Political Art of Planning," in *Architectural Record*, Oct., 1943.

²⁹ See G. B. Galloway, *Guide to Post-War Planning*.

³⁰ See their current reports.

Stabilization, and especially the newly created Office of Demobilization and Conversion.

Experience has shown the necessity of a central planning board, appointed by the President and responsible to him, and, on the legislative side, of a joint congressional committee on planning. The latter has been repeatedly recommended, but has not thus far been realized. When there was a presidential board, there was no corresponding agency in Congress; and now when there is a congressional agency, there is no executive counterpart.

The National Planning Board should be a relatively small body, appointed by the President as his planning advisers and set up as part of the Executive Office of the President alongside the Bureau of the Budget and the Civil Service. Its members should not hold office for a fixed term, but should serve at the pleasure of the Executive. As a result of past experience, I am more thoroughly convinced than ever that they should serve on a part-time basis, rather than as a part of the regular staff.

The Board should not be composed primarily of group interests; on that basis it would tend to become a functional council of considerable size when all elements were incorporated. At least thirty members would be required, and this would in turn come back to a small executive committee of perhaps five. Occupational groups are now well organized, but national policies are to be determined by congressional action. No planning board can function as an economic council for life, as some have suggested, or for a long or short term. The representative function is the job of the Congress, selected for the very purpose of considering, balancing, adjusting, integrating, diverse and conflicting social and economic interests.³¹ If we wish to set up a political society on the basis of functional groups, it is possible to do so; but this is a step backward, not forward. There are corporative or soviet types of organization, but our own form is superior, for us at any rate, and leads to a sounder kind of integration of policies and plans.

The fear that planning will interfere with the development of free industrial society is groundless. The very purpose of planning is to release human abilities, to broaden the field of opportunity, and to enlarge human liberty. We plan primarily for freedom; the ways and means and instruments are secondary to the main purpose. The right kind of planning—democratic planning—is a guaranty of

³¹ See Henry Bunbury, *Planning Machinery*.

liberty and the only real assurance in our times that men can be free to make a wide range of choices.³² Every progressive nation is now actively engaged in planning for the development of its natural and human resources, on the highest and best level. The British plans for the post-war period are especially notable.³³

At the outset there were wide-ranging plans in the United States for land development, public debt, transportation, and industrial development, prepared by such leaders as Hamilton, Jefferson, Gallatin, and Adams. It was only after the Civil War that public planning slackened for a generation, until the turn of the century. The industrial possibilities of the United States are now fabulously greater than those afforded by our public lands or the early development of our resources. There is no more reason to fear governmental planning now than there was then.

Free enterprise has far more to fear from lack of planning than from its development and application to national resources. Between fascism, on the one hand, and monopoly and unregulated concentrations of economic power, on the other, the free industrial system and the open free market are hard pressed now. Yet it is not planning that has made difficulties in the smooth working of free competition, or fostered monopolies, cartels, racketeering, high, low, or medium, but the lack of it.

In the past few years, government has accepted types of social legislation that were a generation late, such as social security and conservation. But we still lag behind at many important points. The dramatic possibilities of the next period are far more important than either the early planning of our public lands or the later approach to belated social and humanitarian legislation.

National planning in this important field cannot be imposed from above by a few officials, but must involve the coöperation of many men and groups and rest upon free and general discussion by the public of what is involved in decisions of this kind. Government has taken no vow to cripple or destroy industry or labor or agriculture or to substitute another system of economy or to undermine morale; nor has industry any purpose in attempting to cripple or "boycott" government, whatever a few individuals may say. The future de-

³² Ferdinand Zweig, *The Planning of Free Societies*, published by P. E. P. (Political and Economic Planning), especially "A Civil General Staff," Nov. 16, 1943; *Annual Proceedings of American Society of Planning Officials*.

³³ See White Papers on Social Insurance and Industrial Insurance (1944).

velopment of the United States will be determined, not by emotional disturbances of extremists, but by intelligence, practical judgment, invention, and organization in the best American manner.

The possibilities of planning in the United States, at any rate, have been set forth by the National Resources Planning Board in the following terms: (1) the fullest possible development of the human personality, in relation to the common good, in a framework of freedoms and rights, of justice, liberty, equality, and the consent of the governed; (2) the fullest possible development of the productive potential of all of our resources, material and human, with full employment, continuity of income, equal access to minimum security and living standards, and a balance between economic stability and social adventure; and (3) an effective jural order of the world outlawing violence and imperialism, old or new fashioned, in international relations, and permitting and energizing the fullest development of resources and rights everywhere. These aims lie well within the range of sound social planning and can be realized if we have the requisite will and patience.³⁴

³⁴ See Merriam, "Possibilities of Planning," in *American Journal of Sociology*, Mar., 1944; "Post-War Planning," in James Lectures on Government (Third Series); and *On the Agenda of Democracy* (1941), Pt. II.

RURAL LOCAL GOVERNMENT

COUNTY AND TOWNSHIP GOVERNMENT IN 1943*

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The future of local government in the United States is likely to depend in no inconsiderable degree upon the extent to which the local units make a vital contribution toward winning the present war and solving the problems arising therefrom. It is therefore of special significance that many of the developments occurring in county and township government during 1943 were related directly or indirectly to the war and postwar problems. At the same time, progress continued along various lines which had become well established prior to the war. Public interest in rural local government was evidenced both by the large amount of state legislation enacted with reference thereto and by local action taken under legislative authority. Developments during the year will be summarized under the following headings: (1) areas; (2) organization and personnel; (3) functions; (4) finance; (5) optional forms of government; (6) intergovernmental relations; and (7) research and experimentation.

I. AREAS

New Areas. State legislatures continued to enact statutes establishing or authorizing the establishment of local *ad hoc* authorities for various purposes. Wyoming established each organized county of the state as a predatory animal district, under the control of a district board, for the purpose of paying bounties for the killing of animals that prey upon domestic livestock, poultry, and wild game. General laws authorized the organization of weed-control districts in South Dakota, public library districts in Illinois, cemetery districts in Montana, and county water authorities in California. Georgia's constitution was amended to empower the governing authorities of Bibb county to establish and administer, within the county and outside the city of Macon, special districts for sanitation purposes, garbage removal and disposal, fire prevention, police protection, drainage, road building and improvement, and any other public services and facilities customarily afforded by municipalities of the state. To carry out the purpose of any such district, the county governing authorities are empowered to levy taxes within the district, to issue district bonds with approval of the district voters, and to levy assessments and impose service charges against property or persons served. A Missouri statute authorized

* For previous annual summaries, see this REVIEW, Vol. 31, pp. 884-913; Vol. 32, pp. 936-956; Vol. 33, pp. 1058-1072; Vol. 34, pp. 1145-1166; Vol. 35, pp. 1106-1119; Vol. 36, pp. 1109-1127; Vol. 37, pp. 1041-1051.

the establishment of fire protection districts in the unincorporated areas of Jackson county (Kansas City).¹

Deorganization and Consolidation. South Dakota, a few of whose western counties are still without organized governments and are attached to neighboring organized counties for judicial purposes and the performance of essential governmental services, established a procedure whereby counties now organized may abandon their organization. According to the new statute, any organized county may become unorganized by petition of not less than one-third of the voters of the county (as determined by the vote cast for the office of governor at the last preceding gubernatorial election), followed by approval of the proposed deorganization by the voters at the next regular election. The popular vote necessary to effect deorganization is a majority of the votes cast at the election. If the vote is favorable to deorganization, the state legislature by joint resolution designates the organized county to which the deorganizing county shall be attached for judicial purposes. Any indebtedness of a deorganized county is to be paid from taxes levied upon the property embraced within its territorial limits when it existed as an organized county.² Another South Dakota act consolidated the unorganized counties of Washington and Shannon into a single unorganized county of Shannon, to be attached to the organized county of Fall River for judicial and administrative purposes.³ Though consolidation of unorganized counties does not in itself reduce the number of county officers or simplify the structure of local government, it would become significant if employed as a prelude to the organization of county government within the territory concerned.

For the most part, interest in governmental consolidation centered about consolidation of the city-county variety in metropolitan areas. Perhaps the most active interest in this direction was displayed in the San Antonio region over the proposal to consolidate that city's government with the government of Bexar county, Texas. The San Antonio "council of presidents," composed of presidents and immediate past presidents of 86 local civic organizations, was reported to have made city-county consolidation its prime objective for the ensuing year and to be carrying on a

¹ *Statutes of California*, 1943 (reg. sess.), ch. 545; *Acts and Resolutions of Georgia*, 1943, p. 8; *Laws of Illinois*, 1943, Vol. 1, p. 859; *Laws of Missouri*, 1943, p. 852; *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 221; *Laws of South Dakota*, 1943, ch. 312; *Session Laws of Wyoming*, 1943, ch. 36. The Georgia amendment here concerned and the amendments, discussed *infra*, concerning the abolition of justice courts in Glynn county and the establishment of a retirement system in Richmond county in the same state were ratified by the voters on August 3, 1943. Letter to the writer from John B. Wilson, secretary of state of Georgia, Atlanta, May 31, 1944.

² *Laws of South Dakota*, 1943, ch. 45. Concerning legislation of similar import in the state of North Dakota, see this REVIEW, Vol. 34, pp. 1147-1148.

³ *Laws of South Dakota*, 1943, ch. 23.

direct "selling" campaign in an effort to accomplish this end. The *San Antonio Express* was also reported as advocating consolidation. If the proposed project for merger should be carried out, the city and county governments would be consolidated into the City and County of San Antonio. It is said that "competent local authorities" deem it reasonable to expect that consolidation would save taxpayers from one to two million dollars annually.⁴ Interest was reported as being displayed in the possibility of city-county consolidation in Atlanta, Georgia; and of consolidating the city and county of San Francisco with San Mateo county in California.⁵

Sentiment in favor of consolidating Multnomah (Portland) and Clackamas counties in Oregon seems to be growing among the residents of both counties. However, as would be expected, there is strong opposition to the plan in Oregon City, which would lose its status as a county seat in favor of Portland.⁶ State and county agencies established in Indiana to conduct research in the field of township government were directed to study, among other things, the need for township consolidation.⁷

II. ORGANIZATION AND PERSONNEL

New Offices. New county offices were created in numerous instances, usually for the performance of newly-assumed functions,⁸ but on occasion to provide services heretofore supplied by other agencies. To assist veterans in obtaining benefits to which they are entitled by law, Alabama counties were authorized to create, at the discretion of their respective governing bodies, the office of county service commissioner; Texas counties were similarly empowered to establish the office of county service officer; and the South Carolina legislature established the office of service officer for Chesterfield county. The service officer or commissioner is to be appointed by the county governing body in Alabama and Texas counties, and by the governor in Chesterfield county. Alabama provides that the county governing body shall select one of three honorably discharged ex-service men whose names shall have been submitted by the American Legion post or posts of the county. The Texas law requires that service officers be honorably discharged veterans experienced in the law, regulations, and rulings of the United States Veterans Administration. In

⁴ Note in *National Municipal Review*, Vol. 32, pp. 553-554 (Nov., 1943); Elwyn A. Mauck, note in *ibid.*, p. 514 (Oct., 1943).

⁵ Elwyn A. Mauck, note in *National Municipal Review*, Vol. 32, p. 460 (Sept., 1943); John B. Blandford, Jr., "Administrative Organization," *Municipal Year Book*, 1944, pp. 291-294.

⁶ Elwyn A. Mauck, note in *National Municipal Review*, Vol. 32, p. 628 (Dec., 1943).

⁷ *Laws of Indiana*, 1943, ch. 300. See *infra*, "Research and Experimentation."

⁸ See *infra*, "Functions."

Chesterfield county, the governor is to make the appointment of a service officer on recommendation of the county legislative delegation, and provision is made whereby a candidate may be nominated to the legislative delegation by the local American Legion posts.⁹

To administer the payment of bounties for killing predatory animals, a predatory-animal control board was established in every Utah county, in each county of South Dakota west of the Missouri river, and in every predatory animal district (each organized county constitutes such a district) in Wyoming. Members of the board are to be appointed by the state board of agriculture in Utah, and elected by the sheep-owners of the county in Wyoming and South Dakota.¹⁰

The establishment of county civilian defense agencies was required by Wisconsin and authorized by Oregon and California. Arizona counties were empowered to create planning boards to formulate postwar public-works programs. California's Food and Fiber Production Act, enacted to achieve maximum production and availability of food and fiber from the farms of the state, provides that the board of supervisors of each county may establish the office of county farm production coordinator. Counties in South Dakota were empowered to establish housing commissions. In the more populous New Jersey counties, the office of register of deeds and mortgages was created, subject to local referendum. The North Carolina counties of Anson and Brunswick were authorized to establish rural police forces. In South Carolina, forestry boards were established in the counties of Chester and Florence, and aeronautics commissions in those of Fairfield and Jasper.¹¹ Some half-dozen states enacted legislation establishing or authorizing the establishment of county purchasing agents or commissions.¹²

Office Consolidation and Abolition. Several states took action looking toward the consolidation or abolition of specified local offices. The Florida legislature proposed a constitutional amendment, to be submitted to popular vote in 1944, which would consolidate specified offices in Dade (Miami) and Orange (Orlando) counties. Georgia abolished the office of

⁹ *General Laws of Alabama*, 1943, p. 587; *Acts and Joint Resolutions of South Carolina*, 1943, no. 97; *General and Special Laws of Texas*, 1943, ch. 330. The office of county service officer had been established in certain other South Carolina counties by earlier legislation.

¹⁰ *Laws of South Dakota*, 1943, ch. 42; *Laws of Utah*, 1943, ch. 6; *Session Laws of Wyoming*, 1943, ch. 36.

¹¹ *Laws of Arizona*, 1943, ch. 37; *Statutes of California*, 1943 (1st extra sess.), ch. 1; *ibid.* (2nd extra sess.), ch. 1; *Revised Statutes of New Jersey*, 1943 Cumulative Supplement, sec. 40: 39-2; *Session Laws and Resolutions of North Carolina*, 1943, chs. 403, 645; *Oregon Laws*, 1943, ch. 140; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 80, 81, 96, 169; *Laws of South Dakota*, 1943, ch. 169; *Wisconsin Session Laws*, 1943, ch. 9.

¹² See *infra*, "Purchasing."

county treasurer in Macon county, and empowered the county governing board to designate one or more banks as county depositories and disbursing agents.¹³

Justice of the peace continued to be the local office, abolition of which was most generally sought. Georgia's constitution was amended to confer upon the general assembly authority to abolish justice courts and the office of justice of the peace in Glynn county. If the legislative body exercises this power, it may either establish some other court or court system in lieu of the justice courts or confer their jurisdiction upon other existing courts. Tennessee established courts of general sessions to replace justice of the peace courts in Carter, Giles, and Lawrence counties. Wisconsin gave first legislative approval to a proposed constitutional amendment which would abolish the office of justice of the peace within the city of Milwaukee.¹⁴

Nomination to Office. The Alabama legislature proposed a constitutional amendment which, if ratified, will require that all nominations to county offices made by political parties casting more than 25 per cent of the entire vote in the last county election be made by primary election. In North Carolina, on the other hand, the counties of Graham and Macon were exempted from the provisions of the state primary law. Henceforth, nominations for county offices in those counties will be made in county conventions.¹⁵

Term of Office. Efforts to lengthen the terms of county officers as prescribed in state constitutions were made in three states by legislative submission of proposed constitutional amendments. Montana's legislature resubmitted, with minor changes, a proposed amendment which had been once defeated by the voters in 1942, to lengthen from two to four years the term of office of county attorneys and justices of the peace, as well as the maximum term which may be provided for county and other local offices established by statute. Other proposals for constitutional amendment which were given legislative approval would increase the term of county commissioners in Florida from two to four years, and that of Alabama sheriffs from four years to six.¹⁶ In Indiana, on the other hand, proposals for constitutional amendments to lengthen the terms of various

¹³ *General Acts and Resolutions of Florida*, 1943, p. 1138; *Acts and Resolutions of Georgia*, 1943, p. 1078.

¹⁴ *Acts and Resolutions of Georgia*, 1943, p. 33; *Wisconsin Session Laws*, 1943, p. 999; M. H. Satterfield, note in *National Municipal Review*, Vol. 32, pp. 213-214 (Apr., 1943).

¹⁵ *General Laws of Alabama*, 1943, p. 310; *Session Laws and Resolutions of North Carolina*, 1943, ch. 349.

¹⁶ *General Laws of Alabama*, 1943, p. 344; *General Acts and Resolutions of Florida*, 1943, p. 1129; *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 232.

county offices, which had been given first legislative approval in 1941,¹⁷ failed to receive the second approval necessary to bring about their submission for ratification.

Military Leave. Idaho and Tennessee enacted legislation to provide for the granting of leave of absence to county officers while serving in the armed forces. The Idaho statute authorizes boards of county commissioners to grant to any elective or appointive officer who is absent from his office by reason of being a member of the armed forces a leave of absence for a period not extending beyond the date of the next general election. Similar leave may also be granted to officers who are absent by reason of official call to service in civilian war work. Tennessee specifically provides that induction of a county officer into military service shall not operate to create a permanent vacancy in his office, but that such officer shall be entitled, upon his return from service, to resume the duties of the office for any unexpired part of the term for which he was elected. In neither state is a county officer entitled to receive any salary from the county during the period of his absence.¹⁸

Reeligibility to Office. The Illinois legislature proposed an amendment to the state constitution which would eliminate the present provision making incumbents of the offices of county treasurer and sheriff ineligible to succeed themselves, while Wisconsin gave first legislative approval to a proposed amendment to permit sheriffs to serve more than two successive two-year terms.¹⁹

Compensation of Officers. The legislature of Wyoming proposed a constitutional amendment which, if approved by the voters, will remove existing constitutional limitations upon the amounts of county salaries. Under the proposed amendment, the legislature would have full authority to fix the salaries of county officers, subject only to the requirement that they shall "be in proportion to the value of the services rendered and the duties performed." Oklahoma enacted a new state-wide salary law for county officers under which counties are classified on the basis of population and assessed valuation and salaries graduated accordingly. The charter of Sacramento county, California, was amended to provide that justices of the peace and constables shall be compensated by salaries only, and that such salaries shall be fixed by the board of county supervisors.²⁰ A considerable number of states granted temporary or permanent increases in the salaries of county officers and employees.²¹

¹⁷ See this REVIEW, Vol. 36, p. 1112.

¹⁸ *General Laws of Idaho*, 1943, ch. 66; *Public Acts of Tennessee*, 1943, ch. 4.

¹⁹ *Laws of Illinois*, 1943, Vol. 2, p. 392; *Wisconsin Session Laws*, 1943, p. 1005.

²⁰ *Statutes of California*, 1943, p. 3163; *Session Laws of Oklahoma*, 1943, p. 39; *Session Laws of Wyoming*, 1943, p. 167.

²¹ See *infra*, "Personnel Administration."

County and Town Executives. Legislative interest in manager government at the county and town levels seemed less pronounced than for some years past, but was not wholly wanting. The Oregon legislature approved a proposed amendment to the state constitution which, if given popular ratification, will permit the enactment of legislation authorizing counties to adopt the manager form of government. It is provided that, upon adoption of manager government by any county pursuant to such law, any and all county offices, whether established by the constitution or by statute, may be abolished and their powers and duties vested in an elective commission and a manager elected or appointed as provided by law.²² A proposed amendment to the Wisconsin constitution which was given first legislative approval would, if ultimately adopted, make possible the enactment of an optional county-manager law in that state.²³

Manager government was adopted during the year by the three Maine towns of Blaine, Monticello, and Norway. The town of Bloomfield, Connecticut, which in 1942 voted to abandon manager government effective January 1, 1944, in 1943 decided to retain its manager charter.²⁴

Personnel Administration. Three populous counties were provided with civil service systems by their respective state legislatures. These were Fulton county (Atlanta) in Georgia, Duval (Jacksonville) in Florida, and Davidson (Nashville) in Tennessee.²⁵ Wisconsin provided that civil service systems for county employees might be established by county boards of supervisors.²⁶ In the Minnesota counties of Ramsey (St. Paul) and St. Louis (Duluth), civil service systems established in 1942 seemed to be getting off to a good start. The county governing boards of both counties adopted employee classification plans prepared by their respective civil service commissions. The Ramsey county board also adopted a salary standardization plan; but in St. Louis county a salary plan prepared by the commission had not yet been approved by the county board at the year's end.²⁷

More noteworthy than the establishment of the merit system in additional jurisdictions were developments during the year in particular

²² *Oregon Laws*, 1943, p. 733. ²³ See *infra*, "Optional Forms of Government."

²⁴ Grace L. Geer, "Council-Manager Government," *Municipal Year Book*, 1944, pp. 299-302.

²⁵ *Special Acts of Florida*, 1943, p. 208; *Acts and Resolutions of Georgia*, 1943, p. 971; M. H. Satterfield, *loc. cit.*

²⁶ *Wisconsin Session Laws*, 1943, ch. 186. A Wisconsin statute of 1939 authorizing the establishment of county civil service systems by initiative and referendum was held unconstitutional by the state supreme court in *Marshall v. Dane County Board*, 236 Wis. 57, 294 N. W. 496 (1940).

²⁷ *First Annual Report of the Civil Service Department of Ramsey County, Minnesota* (mimeo.); *Report of St. Louis County, Minnesota, Civil Service Commission to Board of County Commissioners*, Mar. 20, 1944 (mimeo.).

phases of personnel administration. One such phase is that of providing for public employees systems of retirement on pension. Several states in 1943 either authorized local governmental units to place their employees under state-wide retirement systems or empowered them to set up local systems. Pennsylvania established a municipal employees' retirement system which any county, township, city, borough, or institution district may join either by action of its tax-levying body or by popular vote. The system is to be administered by a board consisting of the secretary of the commonwealth (as chairman), the state treasurer, one member appointed by the governor to represent the public, and two employees of participating local governments appointed by the governor from nominations made by associations of county and municipal taxing officials. In Colorado, school districts and any "city and county" (i.e., Denver) were authorized, at their option, to place their employees under the state retirement fund. Wisconsin provided that pension systems for county employees might be established by county boards of supervisors; and Michigan county boards were empowered to purchase or participate in the cost of group retirement annuities for county employees. Special legislative acts established pension systems for the employees of New Hanover county, North Carolina; Essex county, New Jersey; and Davidson county, Tennessee. An amendment to the Georgia constitution empowers the general assembly to enact legislation authorizing the county of Richmond (Augusta) to establish a retirement and pension system for county employees.²⁸

Three states—Alabama, Michigan, and Minnesota—empowered counties to provide group insurance for their employees. All included life and hospitalization in the types of coverage which may be provided, while Michigan and Minnesota included also health and accident coverage. The Alabama and Minnesota statutes provide for coverage of officers as well as employees, but in either case of only such thereof as elect to participate in the system. In Alabama, at least 75 per cent of a county's officer and employee personnel must elect to participate before an insurance plan may become effective. The Minnesota statute requires that premiums on the insurance provided be paid through deductions from the salaries of participants. Alabama, on the other hand, provides that the county governing body may pay such part of the premium as it may determine;

²⁸ *Laws of Colorado*, 1943, ch. 149; *Acts and Resolutions of Georgia*, 1943, p. 48; *Michigan Statutes Annotated* (Callaghan and Company), 1943 Cumulative Supplement, sec. 5.333(1); *Revised Statutes of New Jersey*, 1943 Cumulative Supplement, secs. 43: 10-18.1 to 43: 10-18.25; *Session Laws and Resolutions of North Carolina*, 1943, ch. 669; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, secs. 53: 371.1 to 53: 371.25; *Wisconsin Session Laws*, 1943, ch. 186; M. H. Satterfield, *loc. cit.*

and deduct the remainder from the salaries of participants. The Michigan law applies to employees only, and stipulates that counties may provide the insurance either with or without employee participation in the cost thereof.²⁹

Yet another type of financial protection to county personnel was authorized by Ohio and Iowa in the form of liability insurance. The Ohio statute provides that any board of county commissioners may purchase a policy or policies insuring officers and employees of the county against liability on account of damage or injury to persons or property occasioned by the operation of motor vehicles owned or operated by the county. Iowa authorizes county boards of supervisors to purchase, up to specified amounts, liability and property damage insurance covering county employees "while in the performance of their duties and operating an automobile, truck, road grader, machinery, or other vehicles owned by the county."³⁰

In-service training for local officers and employees continued to make progress. The Institute of Local and State Government of the University of Pennsylvania inaugurated a new program of free in-service training for a limited number of state, county, city, borough, and township officials. In North Carolina, the educational work conducted among local officials by the Institute of Government, now a part of the Extension Service of the University of North Carolina, was reported to be raising appreciably the standards of county and city administration in that state.³¹

Recognizing the currently decreased purchasing power of the salary dollar, more than a dozen state legislatures provided for increases in the compensation of some or all county officers and employees. Most of the laws enacted were of general application, although a few applied to specified counties only. In some instances the increments were granted directly by the statutes, while in others the legislature merely empowered the county governing authorities to grant increases. Though in some states the increases granted were without time limitation, in a majority of the states concerned they were of a temporary nature. Where time limits were

²⁹ *General Laws of Alabama*, 1943, p. 154; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, sec. 5.333(1); *Mason's Minnesota Statutes*, 1944 Supplement, sec. 254-88. Hillsborough county, Florida, was authorized, upon majority vote of the teachers in the county, to provide group insurance for teachers and employees of the public schools and to contribute to the premiums therefor. *General Acts and Resolutions of Florida*, 1943, p. 336.

³⁰ *Acts and Joint Resolutions of Iowa*, 1943, ch. 167; *Page's Ohio General Code*, 1943 Cumulative Supplement, sec. 2412-3.

³¹ H. M. Olmsted, note in *National Municipal Review*, Vol. 33, pp. 35-36 (Jan., 1944); Paul W. Wager, "A North Carolina Experiment," *ibid.*, pp. 75-80 (Feb., 1944). On the North Carolina Institute, see also J. P. McEvoy, "Don't Shoot Your Sheriff: Teach Him," *Reader's Digest*, Vol. 43 (Oct., 1943), pp. 21-25.

imposed, they were most often in the form of a fixed date upon which the increase, or the power of the county to grant the increase, would expire. This date usually falls sometime within the first half of 1945, which fact will operate virtually to require 1945 legislative sessions to reconsider the necessity for the increases. The Pennsylvania law provides that the power of counties to pay additional compensation shall continue during the emergency and until the expiration of the fiscal year next following the cessation of hostilities.²²

Milwaukee county, Wisconsin, joined with the city of Milwaukee and three other governmental units of the Milwaukee metropolitan area (the public school system, vocational school, and sewerage commission) in adopting a uniform plan for an annual cost-of-living adjustment in the salaries of their employees. Over 13,000 employees of the five local units concerned were affected by the plan.²³

III. FUNCTIONS

Numerous statutes, some of general application and others local in nature, were enacted during the year to augment the governmental powers of counties. Some of these laws merely conferred upon additional counties power to perform functions which, as in the case of planning and zoning, had already firmly established themselves as appropriate objects of county activity elsewhere. Other powers conferred, such as those of providing war housing, civilian defense, and veteran service, had been accorded previous recognition as county functions only recently, if at all.

Predatory Animal Control. Though payment of bounties for the killing of predatory animals is not a novel county function, it is of interest that four western states—Wyoming, Montana, Utah, and South Dakota—in 1943 established comprehensive systems of predatory animal control through the bounty system.²⁴ For this purpose, Wyoming created special county-wide predatory-animal districts with their own governing boards; predatory-animal control boards were established within the county

²² For representative statutes providing for increased compensation, see *Laws of Illinois*, 1943, Vol. 1, pp. 749, 754; *Acts and Joint Resolutions of Iowa*, 1943, ch. 168; *Kansas Session Laws*, 1943, ch. 162; *Laws of Maryland*, 1943, chs. 122, 705, 828, 836; *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 169; *Session Laws and Resolutions of North Carolina*, 1943, chs. 334, 493; *Laws of North Dakota*, 1943, ch. 113; *Oregon Laws*, 1943, chs. 87, 104, 184, 230, 431; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, sec. 53: 289.1; *Laws of South Dakota*, 1943, chs. 28, 29, 121; *Laws of Utah*, 1943, ch. 30; *Wisconsin Session Laws*, 1943, ch. 94.

²³ Ovid B. Blix and Norman N. Gill, "Milwaukee Local Governments Join in Salary Adjustment Plan," *National Municipal Review*, Vol. 32, pp. 482-485 (Oct., 1943); note in *Public Management*, Vol. 25, pp. 273-274 (Sept., 1943).

²⁴ Destruction of meat, wool, and fowl by coyotes alone in 1943 is estimated to have cost from ten to fifteen million dollars. See O. A. Fitzgerald, "Every Hand Against Him," *Country Gentleman*, Vol. 114, no. 2, pp. 17, 58-59 (Feb., 1944).

governmental set-up in Utah and in South Dakota counties west of the Missouri river; while administration of the bounty program is vested in the board of county commissioners in Montana and in South Dakota counties east of the Missouri. The animals for the killing of which bounties are provided are those which, in the states concerned, most commonly prey upon domestic livestock—especially sheep—and upon poultry. Those specifically mentioned in the various statutes include wolves, coyotes, mountain lions, lynx cats, bobcats, and foxes. In every instance the bounty program is to be financed from a special fund derived from levies upon livestock or poultry the protection of which is sought. Thus Wyoming provides for an ad valorem tax on sheep, Utah for such a tax on sheep and turkeys, South Dakota for a head tax on sheep, and Montana for a license fee imposed upon the owning of sheep, which fee is to be graduated according to the number of head owned. Such tax levies or fees are to be imposed, in all cases, by the board of county commissioners.³⁵

Conservation and Agriculture. In the South Carolina counties of Chester and Florence, newly-established county forestry boards were required to work with the state forestry commission and the state forester in the protection of forest lands and the promotion of reforestation. Onondaga county, New York, was reported to have been buying up, over a period of several years, abandoned farm lands for development as forest preserves and outdoor recreation areas. More than two million trees have been secured free from state nurseries and planted in these areas. In Florida, Columbia county was empowered to construct water dams for the conservation of fish and the prevention of erosion. County boards in South Dakota were authorized, upon petition by the landowners concerned, to organize weed control districts to cooperate with the state secretary of agriculture in the control and eradication of noxious weeds. The boards of county commissioners in the North Carolina counties of Currituck, Hyde, Pasquotank, and Tyrrell were empowered to institute county-wide vaccination programs for the prevention of hog cholera.³⁶

Health. Illinois and Nebraska passed enabling acts authorizing the establishment of county or district health departments for the employment of full-time, qualified health personnel. Health departments under full-time directors were established in the South Carolina counties of Sumter

³⁵ *Laws, Resolutions, and Memorials of Montana*, 1943, ch. 206; *Laws of South Dakota*, 1943, chs. 42, 43; *Laws of Utah*, 1943, ch. 6; *Session Laws of Wyoming*, 1943, ch. 36. The control programs are mandatory upon all counties, except that in Montana and in the eastern counties of South Dakota they become mandatory only upon petition of the sheep-owners of the respective counties.

³⁶ *Special Acts of Florida*, 1943, p. 127; *Session Laws and Resolutions of North Carolina*, 1943, chs. 199, 358, 693; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 80, 81; *Laws of South Dakota*, 1943, ch. 312; note in *Public Management*, Vol. 25, p. 367 (Dec., 1943).

and York. The board of commissioners of Dade county (Miami), Florida, was authorized to establish, upon petition and after a public hearing, districts for the collection and disposal of garbage and other forms of waste in built-up communities not having municipal garbage and waste disposal service. The county board may enter into contracts for the collection and disposal of garbage and waste in such districts, and may assess and collect fees from householders and others served. New Mexico made it the duty of the county school superintendent in each county to see that all children in his county, of school age and under eight years, are immunized against diphtheria. Illinois counties were charged with the duty of providing funds for the treatment of persons afflicted with cancer or tumor who are unable to pay for their own treatment. By the end of 1943, 133 counties had adopted the model ordinance and code regulating eating and drinking establishments recommended by the United States Public Health Service, and 137 counties had adopted the standard milk ordinance and code.³⁷

Public Works. Legislation relating to the current acquisition and operation of public works by counties was quite limited. Oregon authorized counties and other political subdivisions of the state, individually, jointly, or in coöperation with the federal government, to acquire and maintain aviation fields or airports. The South Carolina counties of Fairfield and Jasper were provided with aeronautics commissions empowered to acquire necessary land and to construct and maintain airports thereon. Michigan counties were authorized to acquire ferries to be maintained and operated as parts of their county highway systems, with the provision that ferry service may be furnished free to the public or tolls exacted. County boards in Minnesota were empowered to make appropriations for the improvement and maintenance of abandoned or neglected cemeteries; and an Illinois law authorized counties, upon approval in a popular referendum, to recondition and restore neglected cemeteries and to levy a special tax therefor.³⁸ Of considerably more potential significance than these various statutes was the legislation enacted in a goodly number of states enabling counties to plan and finance postwar public-works programs.³⁹

Planning and Zoning. Legislation and activities of the year in the field of county planning were concerned, for the most part, with planning of

³⁷ *General Acts and Resolutions of Florida*, 1943, p. 127; *Laws of Illinois*, 1943, Vol. 1, pp. 539, 548; *Laws of Nebraska*, 1943, ch. 152; *Laws of New Mexico*, 1943, ch. 50; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 108, 195; George St. J. Perrott, "Health Developments in 1943," *Municipal Year Book*, 1944, pp. 354-358.

³⁸ *Laws of Illinois*, 1943, Vol. 1, p. 266; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 9.1381(1) ff; *Mason's Minnesota Statutes*, 1944 Supplement, sec. 659-61; *Oregon Laws*, 1943, ch. 290; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 96, 169.

³⁹ See *infra*, "Planning and Zoning," "Postwar Reserve Funds."

the "postwar" variety. The planning commission of San Mateo county, California, was reported to have prepared a postwar public-works program for submission to the board of supervisors. Shelby county, Tennessee, and the city of Memphis were developing joint plans for a current and postwar public improvement program which included slum-clearance projects, new schools, libraries, medical clinics, street improvements, flood control, and dock and wharf improvements. In the same state, Knox county and the city of Knoxville were reported to have created a joint planning committee to select projects for development after the war.⁴⁰ The North Carolina legislature created for New Hanover county and the city of Wilmington a committee on postwar planning for economic stability. Arizona counties were empowered to create planning boards, or to authorize existing county departments or agencies, "to formulate, develop and annually revise a capital budget and schedule and make preliminary plans and surveys for a long-range, postwar program of local public works projects for execution and construction." California provided state aid to counties for the preparation of plans, surveys, and specifications for postwar highway-construction projects.⁴¹ Statutes enacted in several states to empower counties to establish postwar reserve funds for public construction⁴² envisage both financial planning and physical planning of the projects to be constructed.

General zoning powers were conferred upon Dade (Miami) and Duval (Jacksonville) counties in Florida; and upon the counties of Cobb and DeKalb, both adjacent to Fulton (Atlanta), in Georgia. The Georgia county of Decatur was empowered to establish air-space safety zones around airports, and to restrict and regulate the erection of structures therein. Michigan enacted new county and township rural zoning acts to supplant existing legislation.⁴³

War Housing. Arizona counties, and county housing authorities in Alabama, were empowered to provide housing facilities for persons engaged in war industries or activities, and to coöperate with the federal government in such undertakings. South Dakota counties were also authorized, acting through county housing commissions, to coöperate with the federal government in war housing activities. A novel North Carolina statute empowers Wilson county and the town of Wilson jointly to provide

⁴⁰ Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 32, pp. 343, 460, 628 (June, Sept., Dec., 1943).

⁴¹ *Laws of Arizona*, 1943, ch. 37; *Statutes of California*, 1943 (reg. sess.), ch. 565; *Session Laws and Resolutions of North Carolina*, 1943, ch. 544.

⁴² See *infra*, "Postwar Reserve Funds."

⁴³ *General Acts and Resolutions of Florida*, 1943, p. 924; *Acts and Resolutions of Georgia*, 1943, pp. 902, 928, 930; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.2961(1) ff, 5.2963(1) ff. A zoning law enacted in 1939 for Clayton county, Georgia, was repealed. *Acts and Resolutions of Georgia*, 1943, p. 891.

quarters for the housing, entertainment, and recreation of transient members of the United States armed forces.⁴⁴

Veteran Service. Among the newer county functions, one which promises to be of particular significance during the postwar period is that of aiding veterans in securing benefits to which they may be entitled by law as a result of their service in the armed forces. Many ex-service men and their dependents will be unfamiliar with the statutory provisions enacted in their behalf, and, in order that they may neither fail to be advised with respect to the benefits due them nor have those benefits reduced through fees for unnecessary legal counsel, it seems appropriate to provide some officially-constituted agency to supply any necessary assistance, especially in those cases which are relatively simple in nature.

To this end, Texas authorized any county to establish a veterans county service office, and to appoint a service officer and as many assistant officers as necessary; Alabama provided that any county may establish the office of county service commissioner; and South Carolina established the office of county service officer in Chesterfield county.⁴⁵ In general, it is the function of these various service officers to assist resident veterans of the county, as well as their relatives, dependents, and beneficiaries, in preparing and presenting claims for any compensation, hospitalization, insurance, or other benefits to which they may be entitled by law. The Alabama law mentions only claims arising under federal law, while the Texas and South Carolina statutes specifically provide for the rendering of assistance with respect to claims against either the federal or state government. Texas makes it the specific duty of the county service officer to defeat unjust claims as well as to aid in the collection of valid claims. An additional duty of the Chesterfield county officer is that of aiding veterans in securing employment.⁴⁶

Law Libraries. The county law library is becoming more and more common. These libraries are established and maintained primarily for the use of lawyers and the judges of the various courts in the county, but are open also, at least in most instances, to such members of the general public as have occasion to use them. In 1943, Texas established county law libraries in some counties of the state and provided that they be financed by the assessment and collection, as a part of the costs, of the sum of one dollar in each civil case, other than suits for delinquent taxes, filed in the county or district courts. It was further provided that certain other Texas

⁴⁴ *General Laws of Alabama*, 1943, p. 429; *Laws of Arizona*, 1943, ch. 48; *Session Laws and Resolutions of North Carolina*, 1943, ch. 5; *Laws of South Dakota*, 1943, ch. 189.

⁴⁵ See *supra*, "New Offices."

⁴⁶ *General Laws of Alabama*, 1943, p. 587; *Acts and Joint Resolutions of South Carolina*, 1943, no. 97; *General and Special Laws of Texas*, 1943, ch. 330.

counties may establish such libraries by action of their respective governing bodies. McDowell county in North Carolina was likewise authorized to establish a law library to be financed from fees. Washington broadened the scope of her law providing for county law libraries to embrace several classes of counties not previously included.⁴⁷

Police Power. Several states enacted legislation broadening the police power of counties. The board of commissioners of any Idaho county may now regulate the use of real property within five miles of any United States military or naval reservation and not within any incorporated municipality. The board is empowered to determine what businesses may be conducted within such areas, and may prohibit the conducting therein of any business which it finds to be detrimental to the general welfare. County and township boards in Michigan were authorized to prescribe, in unincorporated areas, minimum construction requirements of dwellings, buildings, and structures; and to designate the manner in which, and the type of materials of which, dwellings, buildings, and structures shall hereafter be erected or altered. Washington provided that counties may adopt standard building codes and fire regulations applicable to all or any part of their respective counties not situated within any incorporated city or town. In the same state, the general police power of counties was enlarged by the enactment of a law empowering boards of county commissioners "to make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and provide that any violation of such regulations, ordinances, or resolutions shall constitute a misdemeanor." County boards in Wisconsin were empowered to enact blackout ordinances. By an act effective six months after cessation of the present war, second-class counties in Pennsylvania were authorized to enact smoke ordinances. St. Louis county, Missouri, was empowered to adopt rules and regulations, as prepared by the county health commissioner, for the licensing, catching, impounding, and destruction of dogs, and for the impounding and destruction of other domestic animals exposed to or infected with rabies. Such regulations, however, are not to be effective in any municipality within the county which has adopted its own system of rabies control.⁴⁸

Microfilming of Records. A recent innovation in the method of performing the traditional county function of recording legal documents is that

⁴⁷ *Session Laws and Resolutions of North Carolina*, 1943, ch. 283; *General and Special Laws of Texas*, 1943, ch. 192; *Session Laws of Washington*, 1943, ch. 195.

⁴⁸ *General Laws of Idaho*, 1943, ch. 138; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.2964(1) ff, 5.2973(1) ff; *Laws of Missouri*, 1943, p. 327; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, sec. 16:4061; *Session Laws of Washington*, 1943, chs. 199, 204; *Wisconsin Session Laws*, 1943, ch. 134.

of the microfilming process. The reproduction of records on microfilm and the ultimate destruction of the originals greatly reduces the space required for record storage and at the same time, through use of appropriate projection apparatus, keeps the records readily available for examination. Illinois, by 1943 legislation, provided that any county officer or court clerk may, with the consent of the county board, cause any or all public records, papers, or documents kept by him to be photographed, microphotographed, or otherwise reproduced on film. The film used must comply with the minimum standards of quality approved for permanent photographic records by the United States Bureau of Standards. The law provides that any such reproduction shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. After ten years, the originals of photographed records, papers, and documents may be destroyed. The Florida legislature, by special act, authorized the clerk of the circuit court of Alachua county to use the photographic process for recording any and all instruments filed for record. Microfilm recording was reported as being in use in Cook county, Illinois (under the enabling legislation just noted), and in the California counties of Alameda and San Diego.⁴⁹

Functional Consolidation. The authorization and practice of coöperative performance of particular functions by two or more units of local government continued to make progress. Though the special district continues to be of importance as a means of such coöperation, the "contractual" variety of functional consolidation seems to be steadily gaining in favor.

Three states—Minnesota, Pennsylvania, and Nevada—passed enabling acts of broad scope empowering local units to enter into agreements for the joint performance of functions. The Minnesota statute, which is the most comprehensive of the three, provides that two or more governmental units (defined as including all cities, villages, boroughs, counties, towns, and school districts) may, by agreement entered into through action of their governing bodies, jointly exercise any power common to the contracting parties. Pennsylvania authorized townships to coöperate, through joint agreements, with other townships, cities of the third class, boroughs, or incorporated towns "in the exercise and in the performance of their respective governmental powers, duties, and functions relating to the public health, recreation, zoning and municipal planning, and in carrying into effect provisions of law relating to said subjects which are common to all of such joining municipalities, and which each may, under existing law, separately exercise and perform." Nevada empowered the county commissioners of any county and the city council of any city within such county to enter into coöperative agreements with each other for

⁴⁹ *General Acts and Resolutions of Florida*, 1943, p. 148; *Laws of Illinois*, 1943, Vol. 1, p. 1055; note in *Public Management*, Vol. 25, p. 245 (Aug., 1943).

the joint use of "county and city personnel, equipment, and facilities, including sewer systems, drainage systems, street lighting systems, fire alarm systems, sewage disposal plants, playgrounds, parks, and recreation facilities, and public buildings constructed by or under the supervision of the county commissioners or the city council of the county and city concerned."⁵⁰

Illinois, Nebraska, and Kansas provided that two or more counties may cooperate in establishing joint health departments. The laws of Kansas and Nebraska also authorized the creation of city-county departments. California provided that a county water authority may be incorporated by any two or more public agencies, contiguous or otherwise, within any county. "Public agency" is defined as any municipal corporation; water, utility, or irrigation district; or any other public corporation of the state having power to acquire and distribute water. A water authority established under the act is empowered to construct and maintain water works and facilities; acquire water and water rights; and sell and deliver water at wholesale for municipal, domestic, and other beneficial uses. Participating public agencies have a preferential right to purchase water from the authority for distribution.⁵¹

Michigan empowered any two or more counties, metropolitan districts, cities, villages, and/or townships to contract either (1) for the joint ownership and operation of sewage-disposal facilities or (2) for the furnishing of such facilities by one or more of the local governmental units concerned to one or more others. Texas provided that any county may join with any city or town therein in establishing and operating hospitals; and that any two or more counties may join in employing a veterans service officer. Counties and other political subdivisions in Oregon were authorized to cooperate in acquiring and maintaining airports or aviation fields. Alabama provided that two or more contiguous counties may join in establishing a regional housing authority. Indiana extended to any county the power, previously enjoyed only by counties with poor farms having an indigent population of ten or less, to discontinue its poor farm and contract with another county maintaining a farm for the care of its poor. Wisconsin towns were authorized to cooperate with other towns, or cities or villages, in establishing joint fire departments.⁵²

⁵⁰ *Mason's Minnesota Statutes*, 1944 Supplement, secs. 1933-101 to 1933-107; *Statutes of Nevada*, 1943, ch. 94; *Purdon's Pennsylvania Statutes*, 1943 Cumulative Supplement, secs. 53:2900.1 to 53:2900.6.

⁵¹ *Statutes of California*, 1943 (reg. sess.), ch. 545; *Laws of Illinois*, 1943, Vol. 1, p. 548; *Kansas Session Laws*, 1943, ch. 223; *Laws of Nebraska*, 1943, ch. 152.

⁵² *General Laws of Alabama*, 1943, p. 512; *Laws of Indiana*, 1943, ch. 65; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.2769(1), 5.2769(2); *Oregon Laws*, 1943, ch. 290; *General and Special Laws of Texas*, 1943, chs. 330, 383; *Wisconsin Session Laws*, 1943, ch. 407.

Some instances may be noted in which functional consolidation has recently been effected. City-county health departments, serving both urban and rural areas of the county, have been established by Knox county and the city of Knoxville in Tennessee; by Clark county, Tennessee, and the city of Winchester; and by Dade county, Florida, and the cities of Miami, Miami Beach, and Coral Gables. Oakland county, Michigan, has entered into a joint agreement with eight cities, a village, three townships, and the state for the construction and operation of facilities for the disposal of sanitary sewage. The project is being financed in part by a grant from the Federal Works Agency, and in part through the issuance of local revenue bonds, and will be administered, when completed, by Oakland county through the office of the county drain commissioner.²²

IV. FINANCE

Postwar Reserve Funds. In order to encourage public construction and employment in the postwar period, and at the same time to retard any inflationary effect of current reductions in taxes, several states authorized counties and other local units to set up special reserve funds for use in the postwar period. Arizona counties were authorized to establish, and to levy an annual tax for, postwar public works reserve funds for financing long-range postwar programs of local public improvements and betterments. Moneys in such funds are to be invested in such securities as are legal investments for other county funds. Maryland empowered counties to create "from whatever source" construction funds for postwar capital improvements, deferred maintenance, and equipment replacement; and to invest moneys in such funds in federal or state securities. The North Carolina legislature provided that any county may, with the approval of the state's local government commission, establish a capital reserve fund. Such a fund may consist of moneys derived from various sources, including tax levies, sale of county property, and proceeds from insurance collected by reason of loss of property. The purposes for which withdrawals from the fund may be made are specified by the statute and include erection of various classes of county buildings, such as schoolhouses, courthouses, jails, homes for the aged, hospitals, and auditoriums; acquisition and improvement of airports or landing fields, and of parks and playgrounds; retirement of outstanding indebtedness; and investment in bonds of the United States, the state of North Carolina, or the county. Hillsborough county, Florida, was authorized to establish a postwar construction fund. The board of commissioners may transfer thereto any year-end surplus moneys, and in addition may impose therefor a tax levy of not more

²² Elwyn A. Mauck, notes in *National Municipal Review*, Vol. 32, pp. 472, 564 (Sept., Nov., 1943), Vol. 33, p. 107 (Feb., 1944); E. M. Shafter and Jay F. Gibbs, note in *Public Management*, Vol. 25, pp. 205-206 (July, 1943).

than one-half mill annually on real and personal property.⁵⁴ The Rhode Island towns of Barrington, Hopkinton, and Westerly were empowered to establish reserve funds by action of their respective voters in financial town meeting. Such funds may be built up by transfer thereto of year-end surpluses, by direct appropriations to the funds, or by both of those methods, but may never exceed in amount five per cent of the assessed valuation of taxable property in the town. Moneys in the reserve funds are to be invested in government obligations or other securities as provided by law; and appropriations may be made therefrom only for capital expenditures or improvements or, in Barrington and Hopkinton, for temporary borrowing in anticipation of taxes.⁵⁵

Investment in United States Bonds. At least six states—Alabama, Maryland, Michigan, South Dakota, Tennessee, and Texas—authorized counties to invest in federal securities funds not currently needed or usable for county purposes. The character of the funds which may be so invested is in some instances stated in broad terms, such as "surplus funds" or "year-end balances," while the provisions of other statutes are of a more specific nature. Thus the South Dakota law applies to "public funds which will not be needed during the current fiscal year to defray operating expenses"; and the Tennessee statute authorizes the investment of not more than 80 per cent of all county funds, including sinking funds, which will not be required for the purposes for which collected within six months from the date of investment. Most of the laws permit investment of the county funds concerned in any bonds or other obligations of the United States government. Alabama, however, requires that the securities in which investment is made be redeemable upon application; and South Dakota provides for investment only in specified classes of war savings bonds and other United States securities. Differing somewhat in nature from the laws just noted is a New Mexico statute providing that counties which have on hand funds, obtained from bond issues or other sources, for permanent improvements which cannot now be constructed because of the priorities and rationing program, may invest such funds in United States war bonds until such time as the federal restrictions making construction impossible shall have been removed.⁵⁶

⁵⁴ *Laws of Arizona*, 1943, ch. 37; *Special Acts of Florida*, 1943, p. 539; *Laws of Maryland*, 1943, ch. 686; *Session Laws and Resolutions of North Carolina*, 1943, ch. 593.

⁵⁵ *Acts and Resolves of Rhode Island*, 1943, pp. 12, 28, 34. Cf. *ibid.*, p. 51, authorizing the town of Cumberland to establish a public works reserve fund to be available for borrowing in anticipation of taxes or for the construction, maintenance, and improvement of public works.

⁵⁶ *General Laws of Alabama*, 1943, p. 480; *Laws of Maryland*, 1943, ch. 78; *Michigan Statutes Annotated*, 1943 Cumulative Supplement, sec. 3.843(2); *Laws of New Mexico*, 1943, ch. 61; *Laws of South Dakota*, 1943, ch. 282; *Public Acts of Tennessee*, 1943, ch. 23; *General and Special Laws of Texas*, 1943, ch. 321.

Budgeting and Accounting. Budget systems were established, by special legislative acts, for Dade county, Florida; Chesterfield county, South Carolina; and the Tennessee counties of Lincoln, Robertson, and Rutherford.⁵⁷ A general law of North Dakota requires all counties of that state to adopt, by July 1, 1945, uniform accounting forms prepared by the state examiner.⁵⁸

Revenue and Taxation. Mobile county, Alabama, adopted a cigarette tax. Kansas increased from 18 to 37½ the percentage of new revenue from the sale of cigarette revenue stamps which shall accrue to the counties through state distribution. Washington counties were authorized to levy and collect a tax on admissions. Nevada provided that any county in which is situated a water storage and hydroelectric project owned by the United States may bring suit against the state of Nevada in the district court of Ormsby county (seat of the state capital) to determine whether the plaintiff county is entitled to any part of the money derived from such federal project and paid to the state by the United States.⁵⁹

Purchasing. Several states enacted legislation, in some instances of a general nature and in others of local application, looking toward the centralization of county purchasing. Wisconsin provided that any county board may by ordinance require that the purchasing for any or all county offices, boards, departments, and commissions shall be done in such manner and by such agency as the county board may determine.⁶⁰ The board of commissioners of any South Dakota county was authorized to appoint one of its members to act with the county auditor and the county treasurer as a purchasing committee. When such a committee has been established, all supplies for the regular county offices must be purchased through the committee. Nebraska provided that the county board of any county may, and that the board of Douglas county (Omaha) shall, employ a purchasing agent. Purchasing agents or commissions were provided by statutes of local application for Cook county (Chicago), Illinois; St. Louis county (Duluth), Minnesota; Calhoun county, Alabama; and the Tennessee counties of DeKalb, Lincoln, McMinn, Robertson, Rutherford, and Smith.⁶¹

⁵⁷ *General Acts and Resolutions of Florida*, 1943, p. 366; *Acts and Joint Resolutions of South Carolina*, 1943, no. 70; M. H. Satterfield, note in *National Municipal Review*, Vol. 32, pp. 213-214 (Apr., 1943).

⁵⁸ *Laws of North Dakota*, 1943, ch. 123. See *infra*, "State-Local Relations."

⁵⁹ *Kansas Session Laws*, 1943, ch. 305; *Statutes of Nevada*, 1943, ch. 181; *Session Laws of Washington*, 1943, ch. 269; *Municipal Year Book*, 1944, p. 250.

⁶⁰ *Wisconsin Session Laws*, 1943, ch. 56. This provision had previously applied only to the counties of Dane and Milwaukee. Joseph W. Nicholson, "Municipal Purchasing," *Municipal Year Book*, 1944, pp. 245-247.

⁶¹ *Local Acts of Alabama*, 1943, p. 227; *Laws of Illinois*, 1943, Vol. 1, p. 554; *Mason's Minnesota Statutes*, 1944 Supplement, sec. 969-14; *Laws of Nebraska*, 1943, ch. 57; *Laws of South Dakota*, 1943, ch. 44; M. H. Satterfield, *loc. cit.*

V. OPTIONAL FORMS OF GOVERNMENT

Wisconsin gave first legislative approval to a proposed constitutional amendment to eliminate the present requirement that the government of all counties be "as nearly uniform as practicable." By the terms of the proposed amendment, the legislature would be directed to provide optional systems of government which counties might adopt by popular vote. Under such optional forms of government, any or all county offices, other than that of district attorney, might be abolished or might be filled by appointment rather than by popular election. The proposed amendment must be approved by the next legislature, meeting in 1945, before being submitted to the voters.⁶²

A proposed amendment approved by the Oregon legislature will, if ratified by the voters, enable the legislature of that state to enact an optional county-manager law.⁶³

VI. INTERGOVERNMENTAL RELATIONS

Interlocal Relations. Interlocal coöperation in the performance of governmental services is becoming more and more commonplace. Such coöperation most frequently takes some form of functional consolidation, and various examples of coöperative action have been discussed under that heading. Two statutes concerning coöperation of a somewhat different nature in the matter of fire protection seem, however, to deserve mention at this point. A Texas law applicable to the counties of Harris (Houston) and Dallas provides that the county may enter into an agreement with any incorporated town or village within its limits or with the residents of any unincorporated community (provided that such municipal corporation or unincorporated community has a volunteer fire department recognized by the state insurance commission) for supplying fire-fighting equipment to such corporation or community. The contracting corporation or community must agree to house the equipment, pay all costs of operation, and furnish operating personnel. The county, on its part, is charged with keeping the equipment in good working condition and with making all necessary replacements and repairs. The Kansas legislature provided that, during an emergency, the firemen and officers of any township fire department may, together with necessary equipment, go or be sent beyond the territorial limits of the township, to any point within the state, to assist in meeting the emergency. While rendering extraterritorial service under such circumstances, township firemen and officers are to be conclusively deemed as acting for a governmental purpose, and to

⁶² *Wisconsin Session Laws*, 1943, p. 1035; Elwyn A. Mauck, note in *National Municipal Review*, Vol. 32, p. 459 (Sept., 1943). A similar proposal was once before given first approval by the Wisconsin legislature, only to be permitted to die in a subsequent session. See this *REVIEW*, Vol. 36, p. 1125.

⁶³ See *supra*, "County and Town Executives."

enjoy all immunities from liability which they would enjoy within their own territorial limits.⁶⁴

State-Local Relations. There were no unusual developments in state-local relations during the year, though some legislation was enacted making new applications of familiar devices for state assistance and control. Of the various statutes of this nature, more were in the field of finance than in any other. North Dakota required that the state examiner prepare and furnish to county officers a manual of accounting and auditing procedures, together with uniform accounting forms. It is made the duty of the state examiner to see that county officers adopt such systems of book-keeping and accounting, and conform to such procedures, as he may prescribe.⁶⁵ Michigan established a municipal finance commission, consisting of four state officers ex officio, to administer the provisions of a new "municipal finance act" regulating borrowing procedures and practices of counties, townships, and other local units.⁶⁶ North Carolina's statute relating to county capital reserve funds stipulates that the establishment of any such fund, and the withdrawal of any money therefrom, shall be subject to approval by the local government commission, a state supervisory body.⁶⁷ In Indiana, the state department of inspection and supervision of public offices was required to call annually a conference of county auditors and auditors-elect for the purpose of instructing the county officials in the proper use of state-prescribed forms and in the keeping of the records of the auditor's office. In the same state, township assessors in townships having a population of over 5,000 were required to attend annual meetings called by the state board of tax commissioners—a requirement which has applied to county assessors since 1919.⁶⁸

Laws authorizing the establishment of consolidated local health departments make approval of the state department of health prerequisite to the establishment of joint-county or city-county departments in Nebraska, and any joint-county department in Illinois involving four or more counties. A Utah statute creating county predatory-animal control boards provided that such boards shall be appointed by the state board of agriculture. Weed-control districts in South Dakota, and predatory-animal districts in Wyoming, were authorized to cooperate with appropriate state agencies in carrying out their programs.⁶⁹ Indiana provided for the cooperation of state and county agencies in the study of township government.⁷⁰

⁶⁴ *Kansas Session Laws*, 1943, ch. 169; *General and Special Laws of Texas*, 1943, ch. 336.

⁶⁵ *Laws of North Dakota*, 1943, ch. 123. See *supra*, "Budgeting and Accounting."

⁶⁶ *Michigan Statutes Annotated*, 1943 Cumulative Supplement, secs. 5.3188(1) ff.

⁶⁷ *Session Laws and Resolutions of North Carolina*, 1943, ch. 593. See *supra*, "Postwar Reserve Funds." ⁶⁸ *Laws of Indiana*, 1943, chs. 116, 188.

⁶⁹ *Laws of Illinois*, 1943, Vol. 1, p. 548; *Laws of Nebraska*, 1943, ch. 152; *Laws of South Dakota*, 1943, ch. 312; *Laws of Utah*, 1943, ch. 6; *Session Laws of Wyoming*, 1943, ch. 36.

⁷⁰ See *infra*, "Research and Experimentation."

Federal-Local Relations. A considerable amount of legislation was enacted during the year which had as its purpose the encouragement of county coöperation with the federal government. Most of this legislation stemmed directly from the war or wartime problems.

County housing agencies in Alabama, Arizona, and South Dakota were authorized to coöperate with the federal government in providing housing facilities for persons engaged in war industries or activities. Oregon counties were authorized to coöperate with the federal government in the acquisition and maintenance of aviation fields or airports; and aeronautics commissions established for the South Carolina counties of Fairfield and Jasper were empowered to lease or sell county airport property to the United States or any agency thereof. Idaho provided that the board of county commissioners of any county may, after notice and opportunity for a hearing, convey to the United States for use in connection with federal reclamation projects any real property belonging to the county and not necessary for county use. Any such conveyance is to be made for whatever consideration the county board may determine.⁷¹

Several states enacted laws designed to enable counties to participate more effectively in the general war effort. Nevada, for instance, provided that boards of county commissioners may sell or lease tools, machinery, motor equipment, or other equipment owned by the county to the United States for use on projects essential in the prosecution of the war. "In order to facilitate coöperation with the United States of America in carrying on war and defense activities," counties and other political subdivisions in Alabama and New Mexico were authorized, for the period of the war and six months thereafter, to accept from the United States grants of funds, and grants and loans of equipment, supplies, material, and other property; to hold, use, and dispose of such funds and property; and to engage in such activities and enter into such contracts as may be necessary or convenient to carry out the powers conferred by the respective acts. County park commissions in New Jersey were empowered to enter into contracts with federal agencies for the occupation and use by the United States of any real property under the jurisdiction of the park commissions. Any such contract must contain provisions under which the United States agrees to restore such property, before turning it back to the park commission, to the same condition as existed when the United States took possession thereof; and, during its occupancy, to protect all waters therein from pollution, and to maintain in service and protect from damage all drains, water pipes, and sewers. The duration of such contracts may not extend beyond six months after the termination of the present war.⁷²

⁷¹ *General Laws of Alabama*, 1943, p. 429; *Laws of Arizona*, 1943, ch. 48; *General Laws of Idaho*, 1943, ch. 108; *Oregon Laws*, 1943, ch. 290; *Acts and Joint Resolutions of South Carolina*, 1943, nos. 96, 169; *Laws of South Dakota*, 1943, ch. 169.

⁷² *General Laws of Alabama*, 1943, p. 116; *Statutes of Nevada*, 1943, ch. 42; *Re-*

Alabama counties were authorized to make appropriations from their general funds for promotion of the sale of United States war bonds and stamps, such appropriations to be used only for office rent, office supplies, telephone and telegraph, clerical help, and general office expenses. Boards of commissioners of certain North Carolina counties were empowered to make contributions from their general funds to local organizations of official state and federal agencies engaged in the war effort, including defense councils and the Office of Price Administration. However, no contribution may be made to the compensation of the members of such agencies or any panels thereof.⁷³ Still further opportunity for counties and other local units to aid in the war effort is seen in the laws passed by several states to enable local governments to invest surplus funds in United States war bonds and other federal securities.⁷⁴

VII. RESEARCH AND EXPERIMENTATION

An unusual degree of interest was displayed during the year, both within and without legislative halls, in the scientific study of rural local government and the desire to improve local-government law and administration.

Indiana established a state commission on township research, and a county board on township research in each county of the state. The state commission consists of seven designated state officers serving *ex officio*. The county research boards are likewise *ex officio* agencies, consisting in each county of the auditor, superintendent of schools, surveyor, and the several township trustees of the county. It is made the duty of each county research board to secure information and statistical data relative to any needed consolidation and reclassification of townships within the county, and any needed adjustments of trustees' salaries. After careful consideration of all available data, the county board is to make such recommendations to the state commission "as in their best judgment will improve the present township government in the county." The report and recommendations of each county research board are to be forwarded to the state research commission on or before March 1, 1944. It is the duty of the state commission to receive such reports and recommendations, and to present to the 1945 general assembly such bill or bills as may be required to carry out the recommendations of the several county boards.⁷⁵

The counties of Utah, acting through their respective boards of commissioners, were authorized, either singly or in association, "to study the

vised Statutes of New Jersey, 1943 Cumulative Supplement, sec. 40: 37-11.1; *Laws of New Mexico*, 1943, ch. 24.

⁷³ *General Laws of Alabama*, 1943, p. 308; *Session Laws and Resolutions of North Carolina*, 1943, ch. 711. ⁷⁴ See *supra*, "Investment in United States Bonds."

⁷⁵ *Laws of Indiana*, 1943, ch. 300.

processes and methods of county government with a view to improvement thereof," and to cause to be assembled and presented to the Utah legislature or the United States Congress, or to appropriate committees thereof, information and factual data relative to the effect upon said counties of existing, pending, or proposed legislation. Expenses incurred in carrying on these activities are declared to be a proper charge against county funds.⁷⁶

The Washington legislature provided for appointment by the governor of a committee of county officials to collaborate with a state code committee previously established in preparing a compilation of all constitutional and statutory provisions concerning counties and county officers, together with recommendations of desirable revisions, amendments, and additions to existing statutory provisions. The compilation of constitutional provisions, and of statutory provisions as recommended, is to be submitted to the 1945 legislature "in such form that the legislature upon adoption thereof may cause the same to be printed in pamphlet form for the use of various county officials."⁷⁷

An interesting experimental program aimed at "blending more harmoniously the powers and interests of the federal, state, and local governments in the execution of their common purposes" was inaugurated during the year. This experiment in intergovernmental cooperation is centered in selected counties of Minnesota, Indiana, and Georgia, chosen as typical of three regions. Financed by a Spelman grant, the program is under general supervision of the Council on Intergovernmental Relations—an unofficial organization at the national level. In each of the three states involved, a state council on intergovernmental relations, appointed by the governor, recommended counties in which local cooperation should be invited and assists in an advisory capacity. In each of the three counties selected, actual carrying on of investigations and experimental activities is in the hands of a local council consisting of local officials and interested citizens. The experiments to be carried on are designed to aid in determining, among other things, which levels of government can best perform particular services, what improvements can be made in cooperative relationships, and how improvements in the administrative structure of local government may be brought about. Among the anticipated results of the program are administrative simplification, functional consolidation, intergovernmental cooperation, and increased citizen participation in government.⁷⁸

⁷⁶ *Laws of Utah*, 1943, ch. 29. ⁷⁷ *Session Laws of Washington*, 1943, ch. 252.

⁷⁸ Data provided by courtesy of John O. Walker, director, Council on Intergovernmental Relations, Washington, D. C. See also John O. Walker, "Experiments on Ways of Improving Local Administration," *Public Management*, Vol. 26, p. 23 (Jan., 1944). The counties involved in the experiment are Blue Earth in Minnesota, Henry in Indiana, and Colquitt in Georgia.

THE AMERICAN ROAD FROM WAR TO PEACE: A SYMPOSIUM*

I. THE STRATEGY OF RECONVERSION

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I

The American people are dedicated to the prosecution of the war to a victorious conclusion. This effort is now progressing on the battlefields at a furious and costly pace. Even before it is completed in Europe, the tempo of the battle in the Pacific will increase. Whether it lasts for months or for years, the resources of our land and the energies of our people will be devoted above all else to the requirements of the conflict. That dedication can be taken for granted.

At the same time, however, reconversion has already become the major economic and political issue of the home front. The problems of transition and postwar development can neither be ignored nor postponed. The war has produced tremendous changes in our economic life, in the distribution of our industries and labor force, in the expansion of our productive capacity, and in the relation of government to economic activity. We were not prepared for war, in either a military or an economic sense. But the mobilization of our manpower and the conversion of our industries proceeded rapidly because of the unifying force of the common objective—the total defeat of our enemies. All our people saw the urgency of the nation's requirements; the funds made available for war were almost unlimited; there was singleness of purpose in our national self-exertion; and necessary controls and sanctions were quickly provided. Yet the job was not accomplished overnight. It took more than two years to place our resources on a war footing.

It is recognized by all realistic students that the reconversion job is more difficult. The process of unwinding the war machine can be completed in a short time, but the reconversion of our industries and the transfer of our war workers and veterans to peacetime production will take much longer. The time factor alone is not the most important. The problems are inherently complex. And the singleness of purpose which united all groups and sections in mobilizing for war will not be there to provide unity and coöperation in reconverting for peace. Too many believe that the process can be quite automatic—that the removal of controls and giving private enterprise the green light are all that is required to bring about full em-

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** On leave for duty with the War Manpower Commission. In this paper the author speaks solely for himself.

ployment in the postwar period. The process, however, is not automatic. There are alternative strategies for reconversion—and one set of policies may be more likely to contribute to an orderly procedure and fuller employment than another. The risks of chance are too great. For we know that the policies and methods of reconversion may affect the pattern of our political and economic life for a generation.

II

Fortunately, not all the policies of reconversion will have to be determined at one time. Unlike the end of World War I, demobilization is not an event which will take place at a set hour on a specific day. This time the process of demobilization and reconversion will take several years and will not be completed for some time after the end of the war in the Pacific. With careful planning and appropriate policies, demobilization therefore need not be a cataclysmic event suddenly engulfing our economic system in depression and unemployment.

We are already in the first phase of reconversion. For many months—in fact, since the end of 1943—we have been reviewing our war production requirements and cutting back many production schedules. These cut-backs have already released several hundred thousand workers from the production of munitions and canceled war contracts totaling many billions of dollars. In fact, the number of workers engaged in producing munitions has declined by nearly one million since the peak of 10.4 million reached in November, 1943. In addition, about 1.5 million servicemen have already been discharged from the armed forces. These are the first steps in demobilization—mere beginnings in reconversion. Having reached the peak in war production, we can take advantage of greater productivity and declining frequency of changes in requirements, thus meeting increasing schedules of production with decreased manpower. Some beginnings in civilian reconversion are possible. The flow of workers from the war effort will be but a trickle. If the movement is properly guided, we can be assured of an orderly process when the trickle becomes a deluge.

The second phase of reconversion begins with VE Day—the end of the European war—assuming that Germany will be knocked out first. The Japanese war will still absorb the major energies of our workers and industries. Government expenditures for war will still be in excess of 50 billion dollars. However, the end of the conflict in Europe will bring with it the first real impact of demobilization. Almost immediately, some four to five million munitions workers will be laid off; within a year, but while the war in the Pacific is still on, some two million veterans will return. Civilian production will get under way, but it is not likely that we can avoid a considerable increase in unemployment unless the resumption of civilian production is exceptionally rapid. If we can prevent a downward spiral in

spending due to the drastic cut in government outlays, we should be able to reemploy our veterans and displaced munitions workers.

The third phase in the long process of demobilization and reconversion will come with the end of the Japanese war. At that time, some four or five million workers engaged in munitions production will be displaced and our armed forces will be released—about seven million soldiers. Not all those workers and fighters will be looking for jobs. Many will return to educational institutions to resume their training and education; others will retire from the labor force. The hours of labor will be reduced to the peacetime standard, and this also should absorb several million workers. Nevertheless, the economic system will not provide millions of new jobs without considerable transitional unemployment.

The optimists say that this unemployment will not last long. Barring a deflationary psychology, and given a reasonably stable international situation, we can, in the fourth phase of reconversion, look for a period of the most active peacetime employment since the prosperity of the twenties—the replenishment period during which the long deferred demand for all kinds of goods can be met. The needs of foreign nations for machinery and supplies required in their economic reconstruction and the accumulated needs of our own consumers and communities should provide nearly full employment for several years after the end of the war.

The fifth phase can be referred to as the postwar period. The transition from war to peace will have been completed; the demand accumulated during the war will have been met. Then the real test of our economy's capacity for insuring full employment will be provided. Will the levels of employment and national income induced by war expansion and public deficits be maintained, or are we to revert to the 1939 level of national production and employment? Can we provide a peacetime equivalent for war-induced expenditures and employment?

III

Whether we can achieve an orderly transition to peacetime full employment depends to a very substantial degree upon the policy decisions which will be made during the critical periods of reconversion lying immediately ahead. The most dangerous course for government is to assume a "hands off" policy, to rely exclusively on the fact that pent-up demand and accumulated consumer purchasing power will provide a production and employment boom. This may well be the case if consumers generally have enough confidence in their job security. If they have such, consumer and business spending may provide the economic stimulus to replace the government deficits of the war period. However, widespread unemployment following a sudden stoppage of deficit spending contains a deflationary threat of considerable proportions. If that should take place, the accumu-

lated savings of the war years will not be spent as a ready substitute for government expenditures.

These possibilities are generally recognized. They suggest that the complicated problems which must be resolved require positive action by government. As it has been expressed, "disaster may come by accident—but prosperity in the modern world can come only by planning." Such planning cannot wait until the war has been concluded. Each of the five phases of reconversion calls for certain policy decisions. We cannot simply drift into full employment or any level of production approaching the maximum use of our human and natural resources. Government must act for the nation as a whole. It must be prepared to avoid both a deflationary threat when war outlays are cut and an inflationary postwar boom which would only end in collapse. The war has taught us that our industrial plant and the productivity of our people make it technically possible for us to provide a reasonable standard of living under conditions of full employment. The miracle of production of the war years did not just happen. It called for a high degree of planning and organizing ability. These will be needed to an even greater degree in steering the economy in the troubled waters of the transition and postwar periods.

IV

That the reconversion problems will not tumble upon us in one fell swoop should make the transition period much less difficult. Even so, however, we cannot ease ourselves into peacetime production. Under the best of economic circumstances, the adjustment shock will be serious for the nation as a whole, and particularly for specific communities where war production has been concentrated to a high degree. A mere review of the economic problems created by wartime transformations suggests the character of the policy issues with which we must be concerned.

In a short few years we more than doubled our productive capacity. We built up a 90 billion-dollar war economy, superimposed upon civilian production of nearly 80 billion dollars. The full use of our natural and human resources has made it possible to raise our national income to unprecedented heights. Paradoxical as it may seem, the standard of living of millions of Americans has actually increased as a result of full employment and higher real income. After VE Day, government purchases for war will be drastically cut, and when the Pacific war is finally won, government expenditures will be reduced to about 20 to 25 per cent of their present magnitude—perhaps 20 to 25 billion dollars. Can full employment be sustained with so large a cut in public spending so quickly? Are private investment and consumer spending to be of such size as to make possible a high national income and full employment? Or is a sharp cut in national income and standard of living inevitable?

The issues of full employment and national income are the core of all postwar domestic policies. Fiscal policy, wage policy, international trade policy, government relations to business—to mention but a few—must be analyzed in their impact upon the employment level and the national income. The war has created the reality of full employment. Postwar strategy is concerned with its maintenance under conditions of peace.

Whatever the economic circumstances, the problems of the transition will challenge our economic policy-makers as never before. Our labor force, for example, has been over-expanded to meet the requirements of the armed services and war production. Between July, 1940, and July, 1944, more than 19 million persons were added to war activities, including the armed forces. In addition to providing jobs for the more than 8 million who were unemployed in 1940, we succeeded in attracting nearly 7 million new workers in excess of the normal growth of our labor force. This above-normal manpower expansion represented youth drawn away from schools, housewives, aged, and handicapped persons. Not all of these new workers will resume their former status once the war is over. A considerable proportion will remain in the labor market. The postwar labor force will thus be larger by more than its normal growth—at least for some years and until policies designed to encourage the resumption of education for the young workers and the retirement of the aged workers and housewives and other temporary workers have been developed.

Aside from its over-expanded size, the wartime labor force has been characterized by large-scale migration. Normal migration of American workers is quite extensive. However, the concentration of war production in relatively few areas, mainly in coastal cities and in industrial centers, required a much larger migration of new workers and their families. Wartime migration has been estimated at between 6 and 7 million workers, and the net migration in excess of 3.5 million. The population of many states increased sharply, that of California alone over 1½ million and of Michigan nearly 300,000. Eighteen states and the District of Columbia experienced a net in-migration, and 30 states a net out-migration. The postwar problem of finding enough peacetime jobs to replace vanished wartime employment will be especially serious for those states that have experienced unusually large population increases.

Postwar job opportunities cannot sustain the swollen working populations of such areas. For other areas, population losses will complicate the problem of local government revenue for the support of relief and other services. Re-migration will be necessary, some of it as soon as the European war is over, most of it after VJ Day. Not in all areas will civilian production be revived at the same time; for example, technological changes in agriculture as well as in certain industries may not require as many workers as were employed in prewar years. Appropriate policies to

guide and to aid migration will be necessary to counteract aimless wandering of displaced war-workers.

The war has interrupted the normal education of a generation. Some 15 million men will have been in the armed forces. Some 2 to 3 million others will have had their education interrupted in order to play their part in the nation's war effort. Reconversion must encompass more than jobs. It must offer educational opportunities for veterans and war-workers.

Quite apart from education in the schooling sense, the war has distorted the job training of our working force. In general, we have over-trained our workers for manufacturing, and especially for the metal working trades. The manufacturing industries have expanded for war production beyond the levels which will be maintained under peacetime requirements, even at full employment. The transition period will produce a curtailment of some 3 to 4 million workers in manufacturing employment and an expansion in service and trade employment. Such a change requires a new emphasis on large-scale vocational and job training for both war-workers and returning veterans.

The termination of government contracts and the disposal of surplus materials and of government-built plants and facilities represent three aspects of one problem. Speed and fairness in the termination of contracts are imperative in order to free private business for the job of civilian production. The task is huge. Thousands of contractual relationships are involved. Industrial establishments will find their working capital tied up on government production and unfinished goods clogging their production processes. Speed in terminating such contracts, in removing surplus goods, and in providing financial settlements is essential for effective reconversion.

The end of the war will find the government in possession of surplus war materials valued at billions of dollars. The volume will be large enough to threaten seriously the orderly processes of trade and the price structure unless disposal policies and procedures are such as to safeguard private producers against a competitive threat. These policies must provide protection against unrestricted auction sales, inflationary bidding-up, speculation, and dumping.

The disposal of government-owned war plants—estimated to exceed some 15 billion dollars in value—presents somewhat different problems. This new industrial plant, built with the taxpayer's money, has enlarged our production facilities by more than one-third. Should these plants be operated by the government or sold or leased to the industry which operated them during the war—and if so, at what price and on what terms? No one would suggest that they simply be given away or be scrapped; for the most part, they represent the most modern production facilities in the nation. Nor is it to be expected that they will be operated by the

government. Such a step would involve an immediate large-scale compromise with the private enterprise system and introduce policy uncertainties apt to interfere with private reconversion planning. The most balanced proposals urge that those plants not retained by the government for security reasons or other considerations of national economic welfare, nor scrapped as out-moded or superfluous, be sold to private ownership and management.

Relaxation of government controls and reduction in government expenditures are other aspects of the reconversion problem. Wartime controls over materials, production facilities, manpower, and rationing will presumably be relaxed as soon as war requirements permit. In some instances, controls can be relaxed or canceled shortly after VE Day. When materials and manpower become adequate to provide for the needs of the war in the Pacific, there will be no justification for continuing the allocation and control procedures which have been found necessary. Price controls, however, may have to be continued until the end of the war, and perhaps for a period beyond, if the volume of goods in relation to demand presents a real threat of inflation. Price controls make inevitable some control over wage advances, perhaps with a greater degree of flexibility than has prevailed thus far.

Inflation, however, is not the principal threat, especially if civilian production can get under way with reasonable speed and if price controls can be effectively retained until the supply of consumer goods is expanded. There is a greater threat of deflation. When the European phase of the war is over, government expenditures will be slashed at a rate of above 30 billion dollars. This is a huge chunk of purchasing power. Displaced war workers, concerned about unemployment during the transition period, are not likely to dispose of savings speedily. But the cumulative effect presents the danger of a downward spiral and its deflationary consequences—in spite of the continuing government deficits. This danger will be much greater at the close of the war in the Pacific, since federal expenditures will be curtailed sharply to a rate of about 20 or 25 billion dollars.

Whether a deflationary situation can be escaped or not, it is certain that our social security system will be put to a severe test. Unemployment compensation benefits provide the first bulwark against the loss of income due to involuntary idleness. The reserves accumulated in the 51 state funds exceed 5 billion dollars. There is little danger of any general insolvency as a result of benefit payments during the transition period. Prolongation of that period, however, or mass unemployment in the wake of a deflationary trend, would place a serious burden upon the funds in many states likely to experience severe unemployment. Moreover, the shortcomings of our jobless benefit system extend beyond the problem of fund solvency, which has recently been eased by the loan provisions of the Mobilization

and Reconversion Act. The unemployment insurance laws bar from benefit millions of workers employed in federal establishments; they also exclude, in most states, employees who work for small establishments, or in agriculture and domestic service. Thus only about 30 million of our wage-earners are protected against income loss due to unemployment.

Coverage could be readily extended by amending the tax provisions of the Social Security Act. The other weaknesses of the job benefit system cannot be easily corrected. These grow out of the relatively low benefit payments, the relatively short benefit periods, and the restrictive disqualifications which result in denying benefits to many workers. The limitations result, in part, from the experience-rating tax provisions included in most of the state acts. In their effect, these shortcomings raise serious doubts about the adequacy of our unemployment aid during the most difficult economic period since the passage of the Social Security Act in 1935.

V

The strategy of demobilization and reconversion must be designed to provide an orderly transition to peacetime production, to reduce the amount and duration of unemployment during the transition, and to furnish a basis for full employment and a rising standard of living in the postwar period. Full employment does not mean a job for everyone now included in the war-expanded labor force; nor does it mean absence of unemployment. In a dynamic society such as ours, with a labor force of nearly 60 million under peacetime conditions, it is possible to have some 3 million workers unemployed even under conditions of full employment. Full employment does mean, however, a strong sustained demand for labor—an opportunity for productive work at all times. Sustained demand implies a supporting demand created by compensatory government policies whenever private investment is inadequate to provide demand alone.

Reconversion is an ill-chosen word unless it is meant to describe a process, in contrast with an objective. We cannot plan to reconvert to goals of income and employment which existed in the prewar period. We dare not reconvert to 1939 or 1929 or 1933. It cannot mean a return to normal. In view of the great progress in productivity during the war years, a return to prewar income would mean a return to a level of unemployment greater than that which prevailed at that time. Reconversion policy must mean moving forward to the maintenance of goals of employment and standards of living made possible by wartime achievements in the utilization of our natural resources and manpower.

Such a goal is ambitious. A nation aiming at it must accept the responsibility for bold planning and must understand the rôle of government in the maintenance of a national minimum standard of living. Bold as the goal may be, it is at the same time necessary. The risk of permitting the

possibility of mass unemployment is far greater than that involved in the assumption by government of the responsibilities for maintaining compensatory fiscal policies to accomplish sustained employment.

VI

In terms of the specific problems and the viewpoint outlined here, what are the policies and programs for the reconversion period?

First, it is important to identify the several aspects of reconversion as different aspects of one general problem. A piecemeal approach leads nowhere. An adequate program must represent an integrated and unified plan dealing with reconversion as a single problem. The cancellation of war contracts, the disposal of government-owned plants and surplus property, the handling of production cutbacks, the release of workers from war jobs, and the revival of civilian production are but different segments of this single problem. The centralization in one agency of responsibility for the formulation of plans and methods is more likely to produce a comprehensive and unified pattern. Recent legislation establishing an Office of War Mobilization and Reconversion is a step in that direction, although a bold congressional mandate for a positive program of reconversion was not included in the law.

Second, adequate planning during each phase of the demobilization process should mitigate the adjustment shock to our economy. By anticipating the problems to be faced and preparing appropriate measures to deal with them, reconversion can be speeded up and unemployment reduced. From now until VE Day, for example, it is possible to lay the groundwork for the absorption of demobilized servicemen and displaced war-workers. An intelligent policy for the location of production cutbacks can prevent the creation of local pools of unemployment, since it is possible, except for strategic considerations, to concentrate many cutbacks in areas where displaced labor can be readily transferred to other jobs. War requirements preclude the release of substantial amounts of materials, facilities and manpower to begin the production of civilian goods. However, we can plan now for such production—write the material specifications, make necessary changes in models and types, work out measures to overcome the inevitable bottlenecks. In addition, as supplies of materials and manpower become available, it is possible to authorize the resumption of production in certain areas. Such a program would help employers to overcome the delays incident to the initiation of production and be ready to expand their payrolls rapidly upon their release from munitions production.

After VE Day, all unnecessary controls over materials and manpower can be canceled and reconversion to civilian production will proceed faster. Short-term public works, particularly for small projects, can be

inaugurated, but it will not be the time to undertake a large-scale housing program. Depending upon the requirements for the Pacific war, a wider resumption of civilian production while the war is still on would prepare our industries for quicker employment of our soldiers when large-scale demobilization takes place.

For the third phase, when the war on all fronts has come to an end, we must anticipate considerable unemployment for many months, under the best of plans. The experts are not in agreement, and an employment forecast is a risky undertaking. It is likely, however, that 6 to 8 million workers will be out of work for a period of 6 to 9 months. The problem can be reduced if we are prepared for a large-scale housing program, whether publicly or privately financed, and if we are ready with detailed plans. Public works of all kinds, if developed in advance, could get under way during this period. A reduction in the average work-week to 40 hours from the higher wartime level should aid in absorbing many workers, but we should avoid easy solutions to unemployment by the 30-hour week proposals. A high standard of living cannot be secured by a more equal distribution of unemployment.

Finally, the big test will come after reconversion is over. The problems of the transition period are real and serious. We have to reckon with short-time unemployment; stranded areas and re-migration of workers will call for effective measures to aid in the adjustment period. However, if we can avoid a deflationary spiral, war workers and returning veterans will be absorbed in the reconverted economy and may participate in a replenishment boom when the war is over. But what beyond that? Is the pattern of World War I to be repeated? Are we to have an era of intense business activity while deferred civilian demand is being met, only to be followed by a period in which the volume of unemployment will be larger than during the months of readjustment? Productivity of workers has increased steadily and moved ahead more rapidly during the war. The labor force has also increased and will not automatically decline to its prewar levels. We may, therefore, experience a paradoxical situation—unprecedented levels of peacetime employment and national income and at the same time 8 to 10 million unemployed. In that possibility lies the real challenge presented by the objective of full employment.

To face this postwar problem we have to develop a definite compensatory program through fiscal policies framed to offset the swings in private investment. We should reduce the amount of taxes paid by the masses of workers, payroll taxes among others. When we anticipate economic recession, the normal tax rate should be reduced and advanced again when rapid economic expansion takes place. On the expenditure side, we must be prepared with a program designed to stimulate jobs whenever private investment for any reason is not adequate to provide full employment. A

fiscal policy to offset the swings in private investment need not always involve direct government outlays. The guarantee loan provisions, found practicable in the field of housing, can be extended to other business, especially business establishments of moderate size. Beyond that, however, there is need for a fiscal policy tied into a program for the development of our resources and social services. Investments such as the TVA and the now proposed MVA for the Missouri Valley are direct outlays in the initial years. Once made, they open up wide areas for private investment, raise the productivity of the people, increase their purchasing power, and thus benefit the entire nation. What applies to power development applies equally to housing, public health facilities, and highway construction. It applies also to our human resources; our facilities for education, health, and social security.

Full employment states the objective of a reconversion program in terms of jobs for workers. Its realization, however, is essential to the well-being of every group and section of our population. It can insure a market for our farmers, an income for business, big and small. Less than full employment spells less than full use of our resources and stagnation for many sections of our population. The war has taught us that it need not be; it has taught us also that to achieve full employment requires the closest collaboration between government, industry, and labor. There is no easy formula to provide us with a peacetime equivalent to the wartime dangers which made full employment possible. But if we are not to revert to a prewar national income which would spell economic ruin, we must recognize that the strategy of reconversion calls for an audacious policy to redeem the pledge that full employment is our national objective.

II. THE FEDERAL GOVERNMENT'S RÔLE IN THE POSTWAR ECONOMY

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I

A good many years ago, Thomas Jefferson said: "Against us are . . . all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn." Today, those of us who espouse so-called liberal and progressive causes sometimes feel the way the author of the Declaration of Independence must have felt when he set down these words of fire.

Events of recent months have not reassured us. Looking ahead, we can see that the war in Europe is moving toward a climax. The end of the fighting is still a matter of speculation, but it seems obvious that it will be far sooner than would have been thought possible only half a year ago. More pertinently, whenever the end comes, it will come sooner than proper preparation for it within this country.

Illustrative of this condition is what has been happening on Capitol Hill. Up to the time of this writing, nearly everything that has been done legislatively has been an incitement to unemployment. Almost nothing has been done to provide an adequate incentive toward full employment. Two major pieces of legislation aimed at solution of postwar problems have been adopted. One of these is the current tax law. The other is the Contract Settlement Act. Neither does anything about the central post-war problem—the maintenance of full employment.

The principal provisions for the postwar era embodied in the tax law are clauses that allow corporations to collect tax refunds estimated to amount to thirty billion dollars or more. Like all private funds, that money is at the mercy of the economic climate. If foul weather appears in prospect, even four or five years ahead, it will not flow into work-providing investment after its return to business. That huge sum, plus other billions already in private hands, may lie idle, a drain on the productive power of the country, when it should be at work providing jobs and the products of work that would raise living levels all over the country.

On the other hand, the Contract Settlement Act, while a far better law than seemed likely when the Senate and House of Representatives began debating it, remains essentially a measure designed to promote the liquidation of productive investment. True, this investment is in war production, and hence would serve no good end in peace. Nevertheless, the capital that will be liquidated with the termination of war contracts is money which otherwise would be producing jobs. No provision whatever has been made for the transfer of the investment and productive power represented in these contracts to the duty of providing jobs and goods for civilians.

I stress this fact because, to my mind, it needs repeated emphasis when consideration is given to the rôle of government in achieving and sustaining peacetime prosperity. One must bear in mind that the war prosperity which the nation has achieved is without parallel in history. It has proved to the United States and the world that a miraculous opportunity for improving the living conditions and well-being of the masses of people now awaits, and that full use of the powers of government in the stimulation of production is the handle with which to seize upon this opportunity. That is why the two opposite sets of factors should ever be kept in mind:

our amazing production for war, our amazing unpreparedness to produce for peace.

It will be clear that I foresee and welcome a greater participation by government in economic activity in the United States than this country has before had in time of peace. It seems to me that the war has demonstrated, once and for all, finally and conclusively, the inevitability of such a development. Throughout the period of the New Deal, the approach to governmental participation was tentative. While the country was lifted out of the depth of depression and imminence of chaos, the experiment never quite indicated what the force of the concentrated economic power of the nation could accomplish. The war has shown it. It has shown, too, that the means for such concentration of economic force exists in the government, and that this force is irresistible when used for the general public good.

I take it, then, that the people have had the wartime record impressed upon them so profoundly that it will never be forgotten. I think nearly everyone agrees that no political party will dare to allow a repetition of the conditions of 1929-32. Finally, I feel that it behooves us now to settle in our minds the ways in which the tremendous power of government should be exercised, the areas in which it should be applied, and the safeguards we should prepare in order to see to it that it is used for the general public good.

In modern connotation, that is our "boisterous sea of liberty." We must chart the ways upon it just as Jefferson and his colleagues charted their ways across the equally boisterous sea of their day. And I doubt whether we are in as much peril, whether the ways are as obscure and uncertain now. We should remember always that those great captains were sufficiently strong of heart to stake "our lives, our fortunes, and our sacred honor" upon a course as bold as men ever chose.

II

First, let us look, with as much honesty and intelligence as we can command, at the nature of the problem and the points of major disagreement. It is not a good thing for men to argue violently about words—phrases like "states' rights" or "free enterprise." There is much validity in the ideas back of those phrases when they are rightly conceived and when they represent expressions of true faith rather than slogans beneath which to hide other purposes. For instance, when "states' rights" is meant to reflect the power and vitality of the democratic principle, I have no difficulty in finding a common meeting-ground with proponents of that principle. Nor is it hard for me to endorse "free enterprise" when the freedom referred to is the achievement for more and more people of greater opportunity in fuller freedom from want and fear. That is the kind of "free enterprise" which

means something to me, not the shibboleth paraded through the slick-paper magazine advertisements of giant corporations seeking freedom for exploitation.

If we are to tackle the matter honestly, we must begin at the top. We must face such questions as these: Is the national government too big now? How far can it go as the regulator of economic life without danger of totalitarianism? What are the controls it should exercise and what are the brakes to be put upon it? Are such proposed measures as federalization of unemployment compensation steps toward despotism? Can virility of local political units be promoted in a national economy at once so large and so comprehensive as ours?

Let us look first at the rôle of the national government in the transition from war to peace, and in the peace itself. To my mind, the answer is simple. The national government must fulfill two major functions. It must provide the economic stability essential to the future functioning of the American system as we have known it to date. And it must exercise its power toward a more equitable distribution of benefits among all of the people.

Equally important, however, is the question of how it shall do this. There was much similarity, let us remember, between some of the things that Nazi Germany did and those that Soviet Russia did during the thirties. The difference was in the method and the ends sought. I consider it vital for the future well-being of this country that the national government intervene at as few points as possible, but that it intervene powerfully at those points. The key to successful retention and expansion of democracy, it seems to me, lies in successful application of this principle. The war has made plain that the national government must play a decisive rôle in the economy. However, this influence can be most fruitful if it is applied at a limited number of points. In other words, if the national government will act strongly enough in the absolutely essential areas, the number of areas where it needs to act will be kept to a minimum.

Perhaps a particular instance will better serve to illustrate my meaning than further generalization. During the past summer, I proposed a "full employment" amendment to the then pending Kilgore bill in the Senate, and asked the President and members of Congress to support it. The amendment has been redrafted into a separate measure since the defeat of the Kilgore bill. Under the new bill, the national government would undertake to guarantee every year a total national investment, including both public and private, that would result in full employment and full production.

In detail, the bill calls upon the Joint Committee on Internal Revenue Taxation annually to estimate the amount of private investment which reasonably may be expected to be forthcoming. If this investment is such

as to offer the prospect of employing everyone who is willing and able to work, that is the end of the matter. If, on the other hand, the estimated total investment (including prospective state and local expenditures of this kind) will not be sufficient to assure full employment, then the national government—in this instance through use of funds of the Reconstruction Finance Corporation—would offer for a limited period to make loans to business up to the amount needed to increase investment to the necessary total. At the end of the specified period, if total investment still remains below the requirements of full employment, sufficient funds to make up the difference would be appropriated by Congress, this money to be spent in a carefully planned national works program.

The proposal, of course, looks toward an American compensatory fiscal policy. I think this is a predictable development. Virtually all governments in the past decade have resorted to similar policies in order to keep their economies going. The principal question is whether we shall apply such a policy haphazardly, as we have been forced to do thus far, or whether we shall set it up as a permanent phase of our national policy, use it carefully but effectively, and achieve with it the greatest results attainable.

The measure I have proposed will, I believe, enable us to do this. But it also illustrates my feeling that if the government acts with sufficient boldness in fundamentals, there need be little fear of undesirable incursions into local or personal concerns. A bill like this would use the national power to create a permanently favorable economic climate, favorable to labor and business alike. We have never had such a permanent climate. Until we live in it for a decade or two, we shall not know what it could bring about. If business could be assured that cyclic cataclysms of deflation and inflation, constriction of investment and buying power, and bloating of savings deposits will not occur, who knows what new miracles of production it would undertake? If working people could be sure that they need not fear unemployment, or, to put it positively, if they could know that they would be usefully at work all of their working lives, who knows what new miracles of production they could bring about through their labor and their spending?

If the national government should take action along these lines, at once comprehensive and generative, many of our worries about its rôle would end. There seems to me little doubt, for instance, that with such a guarantee in law the need for large government expenditures would be minimized, for the guarantee itself would be sufficient to encourage investment of private capital. The assurance of full buying power would mean a permanent market, and many of our fears about further piling up the national debt would end. Not only would it be likely that we should never have to use national funds on such a gigantic scale as during the war, but even

with lower taxes the tremendous increase in peacetime tax returns as compared with the revenue from a depressed economy would place the national government on the firmest budgetary and fiscal base it has ever had. This process, too, has been illustrated by the war. Revenue for the years of greatest national expenditures, 1943 and 1944, amounted to \$23,385,000,000 and \$45,408,000,000 respectively, as compared with a total national income of forty billions in 1932. Thus, I conclude that even in order to keep our national fiscal system in shape, judged by private budgetary standards, national action as here indicated is imperative.

That is one illustration. Of course, it leaves much unanswered. A bill like the one I have proposed is certainly no panacea. There remain the problems of planning a works program—not merely as a “made-work” proposition but as a continuing program of investment in enterprises that would be permanent national assets and result in ever-increasing conservation of, and yield from, our natural resources. There would still remain the problem of price stability. There would still remain the problem of inequitable wages as between industries and categories of workers—and many other issues.

But it seems to me that the principle of forceful government action at a minimum number of points holds good in other respects. Let us again turn to the war effort for our lesson. It will be recalled that in the so-called defense period many of the great industrialists were very reluctant to convert for war. The automobile industry comes first to mind, but there were other instances. Ultimately, governmental action and controls brought about the change-over. How did the government proceed, with obvious benefits to the industries affected?

There were a number of ways. For one thing, the government gave business exceedingly generous terms and assistance. For another, it brought men from business itself into the government to help make the switch. But I doubt whether any of these have been the really decisive factors. Probably the most important single cause in compelling the conversion was the government's power to allocate raw materials. With this power, government needed little else. It could require action in the national interest, in ways that would contribute most to defense and war efforts.

Government, of course, did not act arbitrarily in the use of this power. To my way of thinking, it went too far in the other direction. I believe that it permitted undue profits and undue strengthening of monopoly, and that forbearance with tardy converters was pushed past reason. Yet that is not pertinent here. What is pertinent is that many of the other powers of government became superfluous to the immediate economic task of conversion to war, once government had the power to allocate raw materials.

It is this kind of influence that government can best exert in the interest

of free enterprise—both the free enterprise certain business men talk about and the free enterprise which means the maximum chance at a good life for the most people. Perhaps I should add that my illustration does not mean that I am advocating indefinite allocation of raw materials to industry. Rather, what I am saying is that wartime raw-materials control exemplifies one basic principle that should govern the degree and kind of economic participation by government.

III

Beyond this basic rôle as stabilizer, as economic guarantor, there is another and more familiar rôle that government will be required to play—that of regulator. Almost since the birth of the Republic, we have been accustomed to the performance of this function. The innumerable regulations of freight rates, the anti-trust laws, the Federal Trade Commission—these are but some of the scores of ways in which government, state and national alike, acts as umpire of contending economic alignments and as arbiter between public and private interests.

But the rôle of regulator probably will go beyond this customary refereeing. The success of the Tennessee Valley Authority has shown us a new and fruitful way in which government can contribute to a freely and healthfully functioning economy. This is the furnishing of “yardstick” enterprises. TVA’s record demonstrates that a public agency has a definite and needed job to do here.

In the Tennessee Valley, since TVA came in with its low schedules of electric rates, remarkable things have happened. Utility companies have been enabled to reduce their own rates because TVA proved that mass volume of use resulting from lower rates could assure adequate operation margins and net income. Appliance firms, including utilities, found that a vast new market, in some aspects one of the greatest in the country, had arisen because of the lowered rates. New private industries came to flourish in the Valley as a result of increased sales, availability of cheap power, and elimination of the danger of monopoly.

It is my feeling that the nation has now an opportunity to extend the TVA “yardstick” principle through the retention in government hands of some of the war and defense plants that can be put to use in civilian production. This should not be done on a scale or in a way likely to damage private business and industry. However, it does not follow that such damage would necessarily result. Rather, I believe that if the TVA principle is conscientiously followed, great benefits would flow not only to the average citizen but to industry itself. Operation could be through government corporations set up for the purpose, through employment of managers by government agencies already in charge of the plants, through contracts with private business, plus adequate government controls. The form

makes little difference so long as the spirit is genuinely that of search for the public good.

Careful selection should be made of the categories of plants to be retained in government hands and operated under government auspices. There should be equal care in setting them up in such a way as to insure real "yardstick" operation, so that useful precedents and guides would result from it. Location, need for the product, regional differentiations, availability of raw materials, structure of the particular industry in which the plant would be a unit—these are some of the considerations involved. Here is a wholly legitimate function of government, one that can provide an automatic check on private business operations in the interest of other business men and the people at large.

Another element in government "yardstick" activities that has not received due attention in the discussion of disposal of war plants is the experimental factor. When TVA announced its schedule of electric rates, there was widespread skepticism in industry as to the results. No private financier or industrialist at that time could have risked his own or his stockholders' money on so vast an untried scheme, however promising it might have been.

Many considerations deter private business from embarking upon such enterprises. The purpose of private business is to make profits. The purpose of government enterprise is different. It should be devoted to assistance to private business in making limited but steady profits, to promotion of the public good, to experimentation in fields where the prospective gain to the nation outweighs possible financial loss, to furnishing goods or services not profitable in monetary terms but productive of public benefit. In short, "yardstick" operation means more to me than simply another regulatory instrument. It means also an instrument of experimentation and a means of performing public functions.

This is today a matter of greatest concern to farmers. Many of the plants built by the government or with a preponderant investment of public funds touch directly upon agriculture. Some use farm products, foods, and fibres. Others produce for the farm and farm home. Among them are alcohol plants using grain, new hemp-processing plants that suggest a permanent new market for many farmers, fertilizer plants, and textile factories. The Department of Agriculture already has recommended that forty per cent of the present synthetic-nitrogen plant capacity be devoted in peacetime to the production of fertilizer.

Still another aspect of this phase of reconversion relates to coöperatives. Experience has established the fact that coöperatives have a large and growing place in our economy, that they can help to make a democratic society more effective and workable economically. In this country and elsewhere, coöperatives not only have lowered costs to their own mem-

bers but have served the very "yardstick" function I have been talking about. They thereby contribute to the healthy, truly free operation of private enterprise. For these reasons, the government should take hold of the opportunity to make some convertible war-plants available to those coöperatives which have proved to be genuinely member-controlled organizations, either through lease or through credit arrangements. It may be questioned whether most of the plants are commercially feasible in time of peace, or whether private operation would meet the needs of the people. Thus it seems to me that government should see to it that they are kept for public uses.

To sum up, the second principle I should advance is that the area of government responsibility in the national economy be broadened from the negative conception of policeman to the positive one of test pilot or pioneer.

IV

At all times and in all places, men have been both helped and hindered by phrases—words that can be symbols of shining truth or masks used to create confusion and hide deception. "States' rights" now belongs to the latter kind. Whatever validity it once had as a device in which men believed and which stood for something worth fighting for, the phrase in our time has become meaningless in itself and significant only for the purposes for which it is employed.

In the last few years, "states' rights" increasingly has become the shibboleth of an unofficial coalition party of vested economic interest which itself has gone farther to destroy local pride and state dignity than any other group. Among those who use the phrase are the masters of great corporations that thrive on interstate evasion of state authority. It is unfortunate that they have chosen "states' rights" as an "issue"; it is still more unfortunate that those who stand against them have too often accepted battle on these terms.

The fact of the matter is that the swift economic tides of the last century, the tight controls of government exercised during this time by one oligarchy of wealth or another, have severely strained the federal system. The nation needs to face squarely the problem of the respective state and national areas of jurisdiction—not in theoretical hair-splitting about sovereignty, but in an earnest effort to define the appropriate and most fruitful spheres of operation of each. Beyond that, wholly new jurisdictional problems are involved. Some of these are of more than state, but less than national, complexion. Others, of less than state significance, focus on the national rôle in the local community or county. None of them has a logical relation to "states' rights."

The first step in clarification of the differing duties and responsibilities

of state and national governments, it seems to me, is to emphasize the essential idea of partnership that was so instrumental in the erection of the federal structure. The colonies banded together and ultimately adopted the Constitution simply in order to benefit themselves, the people of each state. In order to gain this benefit, each state ceded certain powers to the states as a whole, the United States, including the ceding state. The difference between those days and ours is that the individual states then were the decisive economic factor. They were the ones to retain powers or to cede them. Since then, the development of economic unity and the very dominance of great economic interests in the government of their time have rendered the central government the repository of economic power. It is the national government that must now make cessions, at least so far as public funds are concerned.

Thus, the federal-aid principle presents itself as a sound principle, and one of great importance in the transition to peace. It is the most practicable method of maintaining that approximate equality of opportunity as between citizens of rich states and of poor states which embodies a genuine "state's right." Federal aid to education, for example, would seem to be a minimum requirement in a democracy whose growth is pretty much contingent on equal schooling for all children.

Yet the federal-aid principle in itself needs adjustment. The most flagrant and consistent flouting of the public interest by public servants in our time is exemplified in one segment of the federal-aid system. This is the use by a private organization, the American Farm Bureau Federation, of the county agents and the information facilities of the Extension Service to promote its own expansion and influence. It is neither good "states' rights" nor a matter of local right or national right to permit public money to be used for private purposes. Indeed, such laxity by democratic governments elsewhere has been the forerunner of fascism.

Some hard thinking and firm action is required in the extension of the federal-aid system. In the first place, we have learned enough to know that federal money should not be turned over to the states without obligation on their part and without commitment on the national government's part to review the use of the money. In fact, a written undertaking committing both federal and state governments to specific action ought to be a fixed part of the procedure in any federal-state arrangement. And these stipulations ought not to be formalities. Under the Smith-Lever Act, the federal funds appropriated for extension work can be withheld by the Secretary of Agriculture if, upon review of the report of a state government, he finds the latter's actions unsatisfactory. This is an admirable provision; the only trouble is that it is never enforced. Secretaries of Agriculture do not withhold funds, no matter how obnoxious the course of a state extension service may become. They fear the political power of the

farm bloc as expressed on Capitol Hill. But this is a problem that must be faced; for otherwise the whole federal-aid structure, including funds for roads, social security, and other indispensable services, eventually will be placed in jeopardy.

Of comparable importance is the necessity for clear definition of the responsibilities of national and state agencies. It is pretty well settled by this time that education belongs to the states; by and large, acceptance of that principle by both national and state governments has worked out well in practice. This does not mean, of course, that the national government should not appropriate funds to supplement state education funds, or that it should continue to turn such funds over to a state where the money could be spent to assist in scandalous abuses. But it does mean that a workable division exists; that the states will attend to all of the policies and programs of the public school systems, and that the national government will limit its activity to provision of funds needed mainly to supplement the money available in the poorer states.

A similar demarcation of jurisdictions is needed all along the line, particularly in agricultural and labor legislation. A corollary, then, to the basic directional function of government and the "yardstick" functions is the refinement and adaptation of the federal system to modern economics.

v

Since we are going to have a national government that is "prepared to accept in future the responsibility for taking action at the earliest possible stage to arrest a threatened slump," as Lord Woolton's celebrated report to Parliament put it for England, we would better get down to the business of keeping that government wieldy, of finding ways to humanize it and to make its great national programs fit people and places more closely than they have up to this point. And we would better seek guaranties that it will govern in the best interest of all the people, and in the interest of their liberties.

As I have indicated earlier, there are two main aspects of this matter of keeping government human and democratic. One is regional, in the sense that all of the problems centering about natural resources and their use cross state lines yet are rarely nation-wide—except in so far as the region is part of the nation. Here again, the Tennessee Valley Authority is a good object-lesson; and I cannot do better than quote Chairman Lilienthal of the Authority on divorcing "the two ideas of authority and administration of authority."

In other words, the curse of bigness is not inevitable just because the power of the national government must be used. It is still possible to decentralize in the sense in which TVA is a decentralization, and in fields other than resources development. To state the guiding principle, national

power is made much more effective, is far less liable to the diseases of statism, if its administration is moved out near the points where it is to be applied. Chairman Lilienthal has described "the TVA idea in its essentials" as follows: "... a federal autonomous agency, with authority to make its decisions in the region . . . responsibility to deal with resources, as a unified whole, clearly fixed in the regional agency, not divided among several centralized federal agencies . . . a policy, fixed by law, that the federal regional agency work coöperatively with and through local and state agencies."

That summary seems to require little elaboration. It is a helpful formula for a future in which government must both use its economic powers and develop new ones if the country is not to have periodic crises of unemployment. It will contribute much to the successful use of economic power if such power is applied as it now is in the Tennessee Valley.

VI

Economic matters, after all, are human affairs. There is a strong temptation in economic discussion to slip into rather inhuman terminology, and even to take the human factor for granted. We cannot afford to do this, for no sound economic decision is reached without according full weight to the human considerations involved. That is why I want to end this paper with a plea for the development of new governmental mechanisms that will permit the widest possible participation by citizens in the functioning of their government. In a sense, this is the most critical point of those I have tried to make here. If our democratic devices and institutions can keep pace with our technology and with our economic triumphs, then we will have won a great victory in man's long and arduous campaign for the better life.

During the war we have succeeded remarkably well in keeping our civil liberties. In contrast with the previous World War, flagrant violations have been few and far between. So, too, we have gone much farther toward recruiting the full talent and strength of the people. We have not achieved full mobilization of this talent and strength, but we have come nearer it than ever before; and the extent of our success on this score has been defined almost exactly by the extent of our success in waging war democratically. Suffice it to call attention only to one phase of this democratization of the war effort, i.e., the use of citizen boards, such as the selective service boards and the war price and rationing boards, in obtaining wholehearted participation in waging the war. To the same degree that these boards have been representative of local citizens and have locally applied national policies have they achieved their task. On the whole, I think we can be very proud of them.

Similar success has attended some of the labor-management committees

in war industries. But it is in agriculture that the process of democratizing both the administrative and policy-making phases of government has gone farthest. This is because long before the war the Department of Agriculture, under Henry A. Wallace, pioneered in evolving a variety of mechanisms that brought the citizen into a living relationship with his government. Indeed, these citizen groups were even more vital and significant in peace than they have been in war, when the exigencies of manpower and equipment shortages and the pressure for increased production have entirely changed the problems faced by farmers.

"I find it impossible," Mr. Lilienthal says, drawing upon his experience with TVA, "to comprehend how democracy can be a living reality if people are remote from their government and in their daily lives are not made a part of it, or if the control and direction of making a living—industry, farming, the distribution of goods—is far removed from the stream of life and from the local community." And Howard R. Tolley, chief of the Bureau of Agricultural Economics, who more than any other man has consistently sought to bring democratic controls into agricultural programs, has put it this way: "To streamline itself against the stresses and problems of this age, democracy will have to insist upon active partnership between the citizen, the expert, and the administrator. Each of these has a contribution to make in the development of wise public plans and policies, and a fusion of judgment as to what is desirable and undesirable is essential to modern government. The part that American farm men and women have taken in molding agricultural policy and action has . . . contributed valuably to the health of American democracy."

That is the note on which I should like to close. There is no longer any doubt that the government must play a decisive rôle in economic life. The question, rather, is how to insure democracy in the use of the government's economic power. I suggest, first, that the points at which that economic power is applied be limited in number but powerful in influence; second, that the areas in which direct use is made of the government's economic authority be clearly defined; third, that the federal-aid scheme be more clearly thought through; fourth, that decentralized administration accompany the centralization of authority.

And finally I suggest that the people of the country be brought into the processes of government, and that government, in turn, be carried back to the people. In them, in the long run, resides all our strength and all our hope, and the more fully they are trusted the greater will be our advance.

III. THE RECONVERSION PHASE OF DEMOBILIZATION

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I

In Congress, in the Administration, and in the country generally, the prevailing reconversion philosophy has contemplated a return to the government-industry relationships existing prior to the establishment of wartime economic controls. It is worth noting that the projection of a path to the *status quo ante bellum* has not been supported by extensive critical analysis of its basic assumption that in this direction lies a continuation of high-level production. In each aspect of reconversion planning, the dominant objective has been to devise measures of control liquidation to be executed in as orderly and rapid a manner as is administratively feasible. The widespread acceptance of the fundamental philosophy resulted in a concentration of effort on organizational and procedural problems and on secondary issues of policy—difficult and important issues, but nevertheless subsidiary.

The predominant tone of planning was expressed by Bernard M. Baruch and John M. Hancock in their remarkably influential *Report on War and Post-War Adjustment Policies*.¹ This statement was prepared under the direction of Mr. Baruch, who became chief of a unit on war and post-war adjustment policies in the Office of War Mobilization on October 15, 1943. While the report, put together in a very short time, was notable as a *tour de force*, it did not meet the desires of those who felt that the opportunity should have been grasped for a penetrating examination of the adequacy of our institutional arrangements to prevent a recurrence of the great depression. Although obviously not intended as a profound analysis of the latent problems of our economy, the document had the great merit of presenting a workable plan for immediate action. Moreover, a respectable body of opinion saw adequate time for the evolution of public policy in the probability that mass industrial unemployment would be postponed by the accumulated demand for civilian goods. But the conjecture remained that the promised "adventure in prosperity," like most adventures, might not last very long.

Regardless of the soundness of the fundamental philosophy, the task for which reconversion planners had to prepare challenged the capacity of public administrators and private managers. Plans had to be made to expedite the conversion of tens of thousands of factories from the production

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¹ Washington, Government Printing Office, Feb. 15, 1944.

of war goods to peacetime commodities. Millions of people—perhaps four or five millions following the defeat of Germany—would have to seek other work. The task was truly monumental, but to the thousands of persons engaged in preparing the ground it was more apt to be a tedious plotting of detail on countless smaller matters. In operation, the task splintered into preparation principally for: (1) the cancellation of war contracts; (2) the adjustment of War Production Board controls to make materials available for civilian purposes to plants released by contract cancellations; (3) the settlement of claims under terminated war contracts; and (4) the disposal of surplus war property. Closely related were such matters as transitional adjustments in price policy, the demobilization of military personnel, the transfer and retraining of workers in war industry, and adaptations of the existing system of unemployment insurance.

II

The rate and composition of industrial reconversion are fixed by the pattern of cancellation of war contracts. The magnitude and incidence of contract cancellation determine the resources—facilities, materials, manpower, management—to be available for diversion to non-military production. The process of contract cancellation acquired importance from the assumption that Germany would be defeated before Japan, thus foreshadowing a reduction of from one-third to one-half in total war production. Partial rather than complete reconversion was in prospect, a factor which introduced many administrative complexities. The advance planning of contract cancellation during 1944 has involved two processes: (1) estimating reductions in requirements for war material which would occur under probable changes in the military situation; (2) preparing tentative schedules of contract termination, plant by plant, to adjust war production accordingly.

Advance estimates of military production required forecasts of the scope of operations to be carried on in the Pacific, the quantities of inventory to be on hand at the time of the shift in focus of operations, and the continuing needs in terms of reduced rates of production of particular items. The strategic assumptions tended to concentrate production-adjustment planning in the War Department. The expectation was that the naval and maritime production programs would be less affected by the conclusion of hostilities in Europe than the requirements of the Army Service Forces and the Army Air Forces. The periodic revisions of the Army Supply Program during 1944 have included estimates of the production rates which would be appropriate should Germany surrender at assumed dates.

Determination of the kinds and quantities of weapons and supplies to be continued in production, and hence of the reductions to be made,

governs to a large degree the incidence of contract cancellations. If, for example, a particular weapon is no longer needed, all producers must be cancelled out. However, when multiple sources of supply exist for an item needed in reduced quantity, a selection has to be made of firms to be released from war production unless horizontal reductions are applied. Obviously, such selections have to be made in advance of large-scale cancellations; and if contracts are not to be terminated but reduced, the amounts of reduction have to be decided in advance. Even before September, 1944, large numbers of terminations—over 25,000 by the War Department alone—were made in connection with normal adjustments in procurement.² The formalized procedures developed to make these adjustments served as a basis also for the preparation of longer-range plans. In making cancellations in the normal course of business, changes in required quantities flowed from the appropriate military authority to the unit of the War Department or the Navy with responsibility for the purchase of the item in question, e.g., the small-arms branch of the Ordnance Department of the Army Service Forces. At that point the factors bearing on the choice of producers to be eliminated or reduced were assembled for tentative decision. Usually the matter came before a board of review at a higher level, and in the case of large cutbacks before a departmental board.

In making these choices, the formal policy of the War Department stressed such considerations as whether a plant was located in a tight labor area, whether it was a small plant, whether government-owned plants could be shut down and retained for stand-by, and other like factors, including relative price.³ Similar regulations existed in the Navy and Maritime Commission. In practice, however, price, quality, and dependability of contractors in making deliveries were the most important factors in determining which contracts were to be cancelled.

For the most part, contract cancellation was carried on independently by each procurement agency until June, 1944, when the Director of War Mobilization ordered the procurement agencies to clear proposed cancellations with the Production Executive Committee of the War Production Board. The order followed criticism of the Navy for its handling of the Brewster aircraft contract. Under the procedures adopted, the procuring agencies reported to the Production Executive Committee Staff prospective cancellations, together with justification for the proposed action, when the scheduled reduction in deliveries amounted to over one million dollars a month. In theory, this review by the Production Executive Committee Staff—on which the procurement agencies, the War Production Board, and the War Manpower Commission were represented—created an oppor-

² These terminations did not reduce over-all war production. New contracts were constantly being let, often in the same plants where other contracts had been cancelled.

³ See War Department, Procurement Regulation 15.

tunity for placing new contracts in facilities to be released, assured consideration of the manpower factor, and stimulated greater care in planning within the procurement agencies.

Through procedures generally similar to those for current cutbacks, the War Department, on the basis of estimated reductions in need on V-Day in Europe, made tentative determinations of producers to be released and contracts to be reduced at that time. This involved a job not unlike working one's way through a Sears-Roebuck catalogue and determining how many thousands of each item were to be procured, at what rate each should be delivered, from what firms each should be bought, and what proportion of the total each firm should furnish. Information assembled through this process could be transmitted to the War Production Board for a mass review and for planning changes in the Board's controls to be instituted concurrently with major cutbacks.⁴

In the earlier stages of planning, considerable weight was given this problem of selection of contracts for cancellation. The Baruch-Hancock report recommended that preference "be given to such factors as releasing plants which can be converted most readily to desirable peacetime production; giving smaller enterprises an opportunity to return to civilian production earlier, easing their termination problems; balancing cancellations in the various communities; reducing overgrown war communities so as to ease their ultimate return to an inevitably slimmer peacetime level." The War Department adopted policies somewhat similar to those recommended.⁵ However, the administrative feasibility of applying such standards and their practicability in the light of the factual range of choice among producers were open to doubt. At any rate, no policies on these questions binding on all procurement agencies were promulgated.

In the Navy and Maritime Commission, advance planning of program reductions and contract cancellations did not proceed to the same degree as in the War Department. This difference arose from the strategic assumption stated earlier; and the correctness of the policy of these agencies depended on the correctness of that assumption.

The general approach in planning contract cancellation involved an assumption that a major cutback would be effected more or less abruptly after the surrender of Germany. It was contended in certain quarters that this would be too much for the economy to digest and that, therefore, reductions in production should anticipate the defeat of Germany and be accomplished over a longer period. The argument rested on assertions, made by War Production Board economists and others, that for a great

⁴ See the testimony of James F. Byrnes, Director of War Mobilization, in description of the above process, in *Hearings*, Subcommittee of Senate Committee on Military Affairs, on S. 1730 and S. 1823, Pt. 7 (June 12, 1944), pp. 250-301.

⁵ For relevant testimony, see *ibid.*, Pt. 9 (July 10, 11, 12, 1944), pp. 520-522.

range of military items reserves on hand justified immediate reductions in production.

III

Planning for the adjustment of War Production Board controls had to be geared to military procurement programming. In its normal operations, the Board had sought to maintain a balance between the supply and demand for critical materials and components and also to limit total production requirements to the available supply of manpower. These ends demanded in some instances detailed determinations of the quantities, and at times of the types, of non-military products which might be manufactured. All these policies were implemented through various types of priorities and allocations.⁶ Preparation for adjustments of these controls required forecasts of the supply-demand situation for major commodities to determine which limitations had to be retained to protect continued military production or, conversely, which controls could be lifted to permit increased civilian production.

The initial task in planning industrial adjustment was to estimate the probable quantities and types of resources to be released by contract cancellation. On the basis of provisional programs of requirements prepared by the military agencies, it was possible for the War Production Board to compute roughly the quantities of materials, the capacities of plants in various categories, and the quantity of manpower to be available for non-military production after the defeat of Germany. These estimates depended for their accuracy upon the nature of the advance programming of contract cancellation by the procurement agencies.

Through review by the War Production Board of tentative contract cancellation plans of the War Department, the stage was set in the summer of 1944 for bringing to bear upon military plans advice for such modification as might facilitate resumption of civilian production. However, no explicit policies were adopted to guide the procurement agencies in the selection of producers for removal from war production. Indeed, the formulation and application of policy were difficult in view of the complexity of the pattern of production and the practical immunity of substantial portions—those carried on under subcontracts—from administrative control. Nevertheless, there was considerable discussion of policy suggestions such as one that small business should be removed from war production first and given a head start in reconversion. Although in some cases the procurement agencies altered their plans at the suggestion of the War Production Board, the review of their plans was mainly a means for as-

⁶ No adequate description of the workings of the War Production Board is yet available. However, in broad principle the agency has operated in the same fashion as the War Industries Board of World War I, but with far greater effectiveness and much more highly developed techniques.

certaining the broad outlines of events to come in order that preparations might be made for adjustments in the controls over non-military production.

In devising controls to be needed after the European war, the dominant consideration was the question of what would be necessary to keep management and men at work on the reduced war program. Continuation of war production would prevent unlimited civilian production, but it was clear that very substantial volumes of non-military output would be feasible. The nub of the planning problem was to determine what non-military production could be authorized and by what methods without draining resources from the continuing military program.

Certain policies were adopted comparatively early. In June, 1944, the chairman of the War Production Board decided two fundamental questions. He ruled that firms that could be permitted to resume production without interference with war needs should be allowed to do so, regardless of the fact that their competitors might still be tied up with war contracts. Similarly, he decided that in the transitional period new firms should be allowed to enter an industry without regard to whether all firms with a prior record of production in the industry had yet reconverted. Thus he rejected the "Cherokee strip" theory of reconversion and rebuffed the proponents of the "industrial grandfather clause."⁷

In addition to these policies, the Board adopted several orders laying a basis for limited reconversion. In July, 1944, the manufacture of experimental models was permitted; expenditures of \$5,000 per month in a single plant were allowed by blanket rule, while administrative authorization of larger outlays was required.⁸ Another action permitted manufacturers to place orders for tools and dies for ultimate use in civilian production, with the understanding that the tools and dies would be scheduled so as not to interfere with war production.⁹ These orders were potentially of significance in facilitating managerial arrangements for resumption of civilian production.¹⁰

Another order, effective August 15, 1944, permitted "spot" authoriza-

⁷ War Production Board, Press Release 5946, June 18, 1944. The general course of action had been foreshadowed in a letter by the chairman to Senator Francis Maloney on March 7, 1944, reprinted in *Cong. Rec.* Mar. 9, 1944, p. 2433.

⁸ *Federal Register*, Vol. 9, pp. 8781-8782.

⁹ *Federal Register*, Vol. 9, pp. 9202-9203.

¹⁰ It should be noted that during 1944 reconversion of a sort was almost constantly going on. The increased supply of most materials permitted literally hundreds of modifications of regulations. The effect was not a great increase in total civilian production, but a removal of substitution requirements, of limits on the variety of models, and of specification standards designed to conserve materials. Thus steel replaced wood in baby carriages. Individually, these changes were not spectacular, but in the mass they permitted considerable return to normal industrial practice.

tions of the production of a long list of civilian items under conditions of non-interference with war production. Manpower still being scarce, authorizations were to be made chiefly in other than tight labor areas; and the authorizations were subject to the veto of the War Manpower Commission on grounds of inadequacy of labor supply.¹¹ The order thus carried out the idea of "chinking in" civilian production when and where it was feasible. Of necessity, in such a scheme considerable authority had to be granted to War Production Board field offices to take action. For various reasons, the "spot" authorization system had no substantial immediate effect on production, but administrative procedures were available to permit civilian production made possible by scattered contract cancellations. It was generally expected that blanket authorizations would be required, at least for most industries, at the time of large-scale cancellations.

In general, a high degree of control in reconversion was not expected. Prevailing opinion rather anticipated a more or less planned liquidation of controls in order to permit the utilization of resources released by contract cancellation, coupled with the retention at strategic points in the industrial structure of sufficient limitation on the use of materials and manpower to prevent interference with production for the Pacific war.

Staff speculation on the manner of handling war contract cancellation and the related matter of adjustment of War Production Board controls went through a sharp change in the first nine months of 1944. At first it was assumed that military production would be reduced by small steps over a considerable period. These conditions would necessitate a good deal of attention to the choice of producers to be cancelled, with careful weighing of such factors as those quoted above from the Baruch-Hancock report. Under such conditions, the War Production Board would have to tailor its controls and allocations meticulously to authorize the use of resources released by contract cancellation without permitting diversion of resources from war production. The authorization of civilian production would have to be closely meshed with contract cancellation. The administrative prospect grew simpler, however, as it became probable that a substantial cut in war production would occur rapidly if not abruptly.

The magnitude of probable cutbacks and the enormous wartime increase in productive capacity made it possible to foresee a guns-and-butter period in which civilian production at levels approximating those of 1939 could be carried on alongside the continuing war production. It became clear that restrictions on most industries could be revoked completely once mass cutbacks occurred. It was probable that restrictions would continue to be necessary on the use of a few materials. It also came to seem probable that current controls in some areas, e.g., rubber, tin, tex-

¹¹ *Federal Register*, Vol. 9, pp. 9945-9947.

ties, would have to be continued almost unaltered. Further, it became plain that, in view of the anticipated supply situation, a radical simplification of the priorities system would be in order. The War Production Board on September 5, 1944, announced general plans tending in these directions.¹²

The resumption of civilian production is closely related to price control. Inflationary pressure on prices, as well as increased costs, suggested that price control would have to be retained for some time, with sufficient flexibility to permit resumption in particular cases or classes of cases where adjustments proved necessary. No enviable future could be foreseen for officials of the Office of Price Administration who would have to provide the element of flexibility. It seemed not improbable that there would be general assent to a policy of economic stabilization, but quite probable that the heavens would resound with individual charges of inequity, dictatorship, and bureaucracy.¹³

IV

The technical problem in the settlement of claims under terminated war contracts is fundamentally one of converting the uncompleted portion of a cancelled contract into a cost-plus contract. The government has, for example, a contract with a factory for a thousand tanks. Five hundred have been delivered and paid for. The contract is cancelled. The factory has some tanks half-finished; it has parts and materials on hand for others. What does the government owe? The answer which commends itself is to pay costs incurred on the uncompleted portion of the contract plus a reasonable profit. From the standpoint of general economic policy, expeditious settlement of claims and rapid removal of government-owned machinery and materials from plants are essential to pave the way, both financially and physically, for resumption of non-military production. The financial consideration seemed most urgent in the case of small firms. Estimates of the amounts to be paid on claims ranged from two and one-half billions upwards.

Settlement of claims by individual contracting agencies made uniform policy desirable. Otherwise, different departments would settle with the same manufacturer on different bases, to the detriment of the Treasury and the confusion of the contractor. During 1943, the Procurement Policy Board of the War Production Board took the lead in interdepartmental study of settlement issues, and developed several drafts of a pro-

¹² See *New York Times*, Sept. 6, 1944. The plans of the War Production Board and related agencies were described by the Director of War Mobilization in a report to the President dated September 7 and printed in full in *New York Times*, Sept. 10, 1944.

¹³ For a statement of expectations in price policy, see a letter by the Price Administrator to the editor of the *New York Times*, June 18, 1944.

posed uniform termination article for fixed-price contracts. Simultaneously, similar work was under way in the procurement agencies, with special emphasis in the War Department, which had to have rules to govern a growing volume of current settlements.¹⁴ Late in 1943, chiefly through War Department initiative, responsibility for the development of government-wide policy on settlement was assigned by the Director of War Mobilization to a Joint Contract Termination Board attached to his office. The functions of the Board were defined by an agreement of November 12, 1943, signed by the interested agencies and approved by the Director of War Mobilization, who appointed Mr. John M. Hancock to serve as chairman of the board.¹⁵

The first major product of the joint board was a uniform termination article for fixed-price supply contracts promulgated by the Director of War Mobilization on January 8, 1944. Procurement agencies were directed to use this clause in new contracts and to substitute it for like clauses in outstanding contracts to the extent practicable. The clause defined the rights and duties of the contractor on receipt of a termination notice, adopted the principle that settlements should be made by negotiation, and established principles to be followed in determining amounts due as an alternative to agreed settlement. Accompanying the uniform article was a "Statement of Principles for Determination of Costs upon Termination of Government Fixed-Price Supply Contracts."¹⁶

By directive of May 2, 1944, the Director of War Mobilization made effective for the principal procurement agencies statements of policy by the Joint Board on "Government Organizations for Settlement of Terminated War Contracts" and "Review of Contract Termination Settlements." The first statement enunciated general principles governing organization for settlement within the procurement agencies. For most agencies it represented more a description of current practice than an instruction with discernible effect. The second statement reaffirmed the policy of encouraging negotiation of settlements, but stated that "a proper degree of control over such settlements" should "be provided for the protection of the government's interests." The departments were instructed to set up special boards for the review of proposed settlements

¹⁴ War Department policies were reflected in successive revisions of its Procurement Regulation 15.

¹⁵ The following agencies were represented on the Board: War, Treasury, Justice, Navy, Reconstruction Finance Corporation, War Production Board, Maritime Commission, Foreign Economic Administration, and the Smaller War Plants Corporation.

¹⁶ The text of these documents is reproduced in Baruch and Hancock, *op. cit.*, pp. 78-90. Exceptions to and interpretations of the termination article were issued as directives of the Director of War Mobilization on February 24 and May 2, 1944 (*Federal Register*, Vol. 9, pp. 2251-2252, 5192).

in excess of \$50,000.¹⁷ A further step was taken by the promulgation on May 29 of policy on settlement of claims under subcontracts connected with government war contracts. The procuring agencies were directed to recommend to their prime contractors that the subcontract termination clause included in this policy be uniformly used in their dealings with subcontractors.¹⁸

Administrative action was paralleled by the development of legislation. As early as the summer of 1943, bills were introduced in Congress and inquiries begun by its committees. Congressional concern centered on several issues: the assurance of expeditious payment of claims, particularly in the case of small business; the devising of arrangements for interim financing of contractors through loans or partial payments prior to final settlement; and the determination of the rôle of the Comptroller-General in the settlement process.

After a tortuous legislative history, the Contract Settlement Act of 1944 was approved by the President on July 1.¹⁹ The law followed in the main the lines of action recommended by the Joint Contract Termination Board and the procurement agencies, both in substantive policy and in organization. To succeed the Board, the act created an Office of Contract Settlement, to be headed by a director appointed by the President with Senate approval. In prescribing policies and standards to guide the contracting agencies, the director was to be advised by a Contract Settlement Advisory Board.²⁰

The principles of settlement in the statute were similar to those already in use. A legislative void was filled by an interim financing title which directed that partial payments be made on claims to the greatest extent practicable. Thus was rejected the suggestion that the government should be obliged to pay without previous verification a specified percentage of claims as submitted. The interim financing title further authorized direct and guaranteed termination loans. Legislative solution was also attempted of the vexing problem of the removal of inventories and machines left in plants at termination. The rule was adopted that the government should be obliged, within sixty days after the submission of a satisfactory listing, to remove the inventory from the plant or arrange for storage by the contractor.

Proposals to give the General Accounting Office a rôle in contract settle-

¹⁷ *Federal Register*, Vol. 9, p. 5193.

¹⁸ *Ibid.*, Vol. 9, pp. 6134-6136.

¹⁹ Public Law 395, 78th Cong., 2d Sess.

²⁰ The Board was to be composed of the following officials or their representatives: Director of Contract Settlement, Secretary of War, Secretary of the Navy, Secretary of the Treasury, Chairman of the Maritime Commission, Administrator of Foreign Economic Administration, Chairman of the Board of the Reconstruction Finance Corporation, Chairman of the War Production Board, Chairman of the Board of the Smaller War Plants Corporation, and the Attorney-General.

ment were rejected. It was argued that if settlements were to be made by negotiation—rather than by the application of detailed accounting principles—review by the Comptroller General could be nothing other than a renegotiation of a negotiated settlement. Beyond this, the fear was expressed that the procedures of the General Accounting Office could only delay settlement and produce “unemployment by audit.” Congress limited the General Accounting Office to “determining, after settlement, (1) whether the settlement payments to the war contractor were made in accordance with the settlement, and (2) whether the records transmitted to it, or other information, warrant a reasonable belief that the settlement was induced by fraud.” In this instance, Congress followed the principle urged by the President’s Committee on Administrative Management in 1937.

By the time the Office of Contract Settlement was set up in August, 1944, much of the groundwork to handle the prospective load of contract settlement had been done. The contracting agencies had established skeleton machinery and a working procedure for settlements; and a basic system of general principles existed, although requiring further clarification and refinement. Moreover, the contracting agencies had before them the formidable task of recruiting and training additional staff to meet the increasing volume of settlements.

Some doubt remained about the feasibility of vertical settlement under conditions of mass cancellation. Under this policy, the government would settle with the prime contractor, who would pay his subcontractors, who would pay their suppliers, and so forth. To illustrate: A contract for armored cars is cancelled by the War Department. The prime contractor cancels an order to his engine supplier, who is also delivering the same engine to other prime contractors. The engine-maker terminates his order for starters which is held by a firm making starters for other customers and perhaps also directly for other government agencies. The starter-maker cancels his contract with a producer of wire, who feeds it out of the same machine to scores of other customers, many of whom may be tied indirectly to a government contract. Under conditions of mass cancellation, so the argument ran, the allocation of overhead and direct costs of uncompleted work and inventory to the different orders and subcontracts of each producer and channeling of this information up the contractual ladder would present a problem of incredible intricacy and inevitable slowness. Concerns with thousands of orders on their books were not uncommon.

The vertical system was the only one legally permissible at the time it was established. The alternative, made permissive by the Contract Settlement Act, was the over-all company settlement plan. This meant that in appropriate cases a company would be assigned to a single procurement

agency which would settle claims under all or suitable groups of prime and sub-contracts held by the firm. Accounting problems would thus be greatly simplified, multiple inspections by different agencies could be avoided, and payment could be speeded up. Even before permissive legislation was adopted, experiments were under way to test the feasibility of the idea. But with procedures developed and staffs trained under the vertical method, it appeared unlikely that a general change could be made in the system.

V

In terms of enduring effect on the economy, the disposition of government surplus plants, machinery, and other property was probably the most significant element in reconversion. When the question arose of the sale of plants which could be used to alter completely the competitive patterns of some industries, the chips were down; the groups concerned manifested a most earnest and devoted attention to the development of public policy on surplus property. Yet the fundamental issue was apparently decided by the summer of 1944: the government was to rid itself of the property except that in some instances plants might be leased. The preparatory problem was one of determining how and when and to whom.

In February, 1944, the President established the Surplus War Property Administration in the Office of War Mobilization, in accordance with a recommendation of the Baruch-Hancock report.²¹ The Administrator, with the assistance of a Surplus War Property Policy Board,²² was given general supervision and direction over the handling and disposition of surplus war property. The administrative arrangement contemplated by the order was that owning agencies—principally the military departments—should declare property surplus to their needs and transfer it for sale or other disposition to disposal agencies, which would operate subject to policies of the Administrator. The order fixed broadly the jurisdiction of each disposal agency, but directed the Administrator to define more exactly the types of goods over which each should have jurisdiction.²³

²¹ Executive Order 9425, Feb. 19, 1944.

²² The Board was constituted of representatives of State, Treasury, War, Navy, Justice, Reconstruction Finance Corporation, Smaller War Plants Corporation, Maritime Commission, War Production Board, Bureau of the Budget, War Food Administration, Federal Works Agency, Civil Aeronautics Board, and Foreign Economic Administration.

²³ The following language assigned responsibility among disposal agencies, subject to modification by the Administrator: "consumer goods to the Procurement Division of the Department of the Treasury; capital and producers' goods, including plants, equipment, materials, scrap and other industrial property, to a subsidiary of the Reconstruction Finance Corporation, . . . ; ships and maritime property to the United States Maritime Commission; and food to the War Food Administration; provided that surplus war property to be disposed of outside the United States,

Among actions taken by the Administrator were orders defining more sharply the jurisdiction of each disposal agency and establishing broad disposal procedures;²⁴ fixing policies for the sale of real estate by the Reconstruction Finance Corporation;²⁵ stating a price policy for the sale of machine tools;²⁶ and fixing a price policy on sales of termination inventories.²⁷ The last item concerned the sale by contractors of surplus inventories on hand at the time of contract cancellation; these sales must be approved by contracting agencies, and receipts are credited to the government on claims of the contractor. To coordinate pricing on these sales with pricing on sales of similar property directly by the government, the Joint Contract Termination Board arranged with the Surplus War Property Administrator to promulgate price policies.

Congress gave extended consideration to the surplus question, and sharp differences arose between the House and Senate. The House was disposed, in general, to accept the recommendations of the Surplus War Property Administrator, while the Senate manifested a more innovative spirit.²⁸ With respect to organization, the result was the substitution for the Surplus War Property Administrator of a three-member Surplus Property Board. Provisions for preferences in sales, and even outright gifts to various classes of persons, were considerably diluted in the final version. Specific preferences, however, were granted in the case of real property to former owners and more general preferences in the case of all property to veterans. The Smaller War Plants Corporation was authorized to make loans to aid purchases by small business. Stockpiling of strategic materials was treated in one section of the bill and, somewhat irrelevantly, the loan rate on cotton was raised in another.

Although there were many uncertainties about the surplus problem, its broad dimensions could be estimated. Figures of up to one hundred billions were bandied about in discussion, but they gave an exaggerated notion of what was to come. Of the supplies to be surplus, probably one-half to three-fourths in dollar value would be combat items which would not raise serious questions of interference with established trade in consumer goods. Perhaps fifteen billions worth of supplies with direct civilian uses would have to be sold. In the aggregate, the amount was not large in rela-

unless otherwise directed by the Director of War Mobilization, shall be assigned, so far as it is deemed feasible by the Administration, to the Foreign Economic Administration."

²⁴ *Federal Register*, Vol. 9, pp. 5096-5099.

²⁵ *Ibid.*, Vol. 9, pp. 9183-9185.

²⁶ *Ibid.*, Vol. 9, pp. 9870-9871.

²⁷ *Ibid.*, Vol. 9, p. 7842.

²⁸ For House views on H.R. 5125, which passed the House August 22, 1944, see H. Rep. No. 1757, 78th Cong., 2d Sess. The bill, in a different form, passed the Senate on August 25. See S. Rep. No. 1057, 78th Cong., 2d Sess. For the conference report, see H. Rep. No. 1390, 78th Cong., 2d Sess. The Surplus Property Act (Public Law 457, 78th Cong., 2d Sess.) was approved October 3, 1944.

tion to national consumption, but in particular types of goods the surplus would undoubtedly be large in relation to short-term needs. Similarly, fifteen billions in industrial facilities looked large, but the problems of government policy assumed less formidable proportions when powder plants and others not readily usable in peacetime production were eliminated from the total.²⁹ However, these broad perspectives could not erase the fact that in surplus property management and disposal many exceedingly difficult problems were ahead.³⁰

In surplus disposition, as in other aspects of reconversion, operations were already under way on a small scale. This gave the disposal agencies an opportunity to gain some experience in operation, to develop procedures, and to build up a skeleton organization. All this resulted in some preparation for handling the much larger volume of surplus which was yet to come. However, the scarcity of suitable personnel, as well as other factors, retarded the development of organization and created a situation which would subsequently give ample opportunity for administrative improvisation.

VI

In domestic matters, at the end of the summer of 1944 preparation to deal with the general area of industrial reconversion had been carried further than in other related fields. This differential grew partly from the fact that in the former area the executive had more power to act without additional legislation than in others, but more fundamentally from the fact that the dominant climate of opinion was uncongenial to action on the "human side" of demobilization—to use the phrase of the Baruch-Hancock report.

On February 24, 1944, the President established by executive order a Retraining and Reemployment Administration in the Office of War Mobilization. The Administrator, with the assistance of an interdepartmental board, was to "have general supervision and direction of the activities of all government agencies relating to the retraining and reemployment of persons discharged or released from the armed services or other war work . . .," and was also to "develop programs for the orderly absorption into other employment" of such persons.³¹ By the end of the summer, in

²⁹ See A. D. H. Kaplan, *The Liquidation of War Production* (New York, 1944), Chap. III.

³⁰ A recognition of one of these problems was involved in the creation on September 2, 1944, by the Director of War Mobilization, of a War Plants Utilization Committee. Constituted of representatives of the War Production Board, Defense Plants Corporation, Surplus War Property Administration, and War Manpower Commission, it had the duty of seeking ways and means for assuring continued utilization of government-owned plants.

³¹ Executive Order 9427. The Retraining and Reemployment Administration was given statutory status as a part of the Office of War Mobilization and Recon-

so far as public evidence showed, the Administration had not yet precipitated a substantial accretion to public policy. However, most of the important issues required legislative action, and the controlling bipartisan coalition in Congress was not disposed to make major commitments on such matters as unemployment compensation.

Congress, however, as was eminently just, gave early attention to the question of benefits for discharged servicemen. The Servicemen's Readjustment Act of 1944,²² popularly known as the G. I. Bill of Rights, provided hospitalization rights, educational privileges, government-guaranteed loans for the purchase or construction of homes, farms, and business property, and "readjustment allowances" for veterans when unemployed during a two-year period following discharge or the termination of the war.

VII

The scope and tempo of governmental control of the economy in wartime make unusually urgent the achievement of adequate top-level administrative coordination. Many agencies of government intervene at many points in the economy, and their influences interact in either a complementary or contradictory manner. Calculated direction must seek to minimize the inevitably conflicting drives of different agencies. In a period of partial reconversion, the same conditions and requirements persist. Resumption of civilian production must be dovetailed with downward adjustments in war production. The way in which price control is handled may hamper or ease reconversion. Wage policy may contradict price policy. Timing and policy in the movement of surpluses may ease price control and expedite production, or they may not.

Since 1940, discussion of this general problem of coordination has been carried on in great volume and with great vigor, but without any impressive contribution to administrative theory. Schemes for overhead organization have been proposed on a wholesale scale; some of them have been tried. In reconversion planning, legislative committees were fertile sources of organization plans, but most of the resulting schemes varied little from the broad outlines proposed by Baruch and Hancock. These rested essentially on the idea of constructing around the existing Office of War Mobilization,²³ perhaps under another name, a group of specialized supervisory organs such as the Office of Contract Settlement and the Surplus War Property Administration. The Director of War Mobilization would use these specialized organs and other broad powers to direct the opera-

version, but with powers somewhat less than those it possessed under the executive order. See Public Law 458, 78th Cong., 2d Sess., approved October 3, 1944, Title III.

²² Public Law 346, 78th Cong., 2d Sess., approved June 22, 1944.

²³ The Office was established by Executive Order 9347, May 27, 1943.

tions of the administrative departments within the general area of reconversion, a very broad area indeed. These ideas found expression in the War Mobilization and Reconversion Act of 1944, approved October 3, which established an Office of War Mobilization and Reconversion.²⁴

Through this grand administrative architecture, a symbolic or journalistic integration of reconversion activities could doubtless be attained. How the mechanism could be used to make a genuine difference in actual departmental operations was problematical. Many legislators hoped for a more positive and less intermittent direction than had been furnished by the Office of War Mobilization, but no convincing specifications of the means by which this was to be done were furnished.²⁵ However, the general trend of legislative development and discussion constituted a potentially significant phase in the evolution of the presidency. In sharp contrast with the orthodox administrative doctrine that organs of direction should occupy a staff relation to the Chief Executive, the emerging apparatus of coordination was being vested by statute with broad powers of direction essentially presidential in character, to be exercised, not in the name of, and by delegation from, the President, but in its own name by authority of Congress. Yet the President retained the crucial power of direction in federal administration, viz., the power to appoint department heads. The ultimate outcome of the development cannot be foreseen. From one point of view, the trend was one of better staffing and organization of the presidency. From another, it appeared as an encroachment upon the executive by sandwiching between the President and the departments statute-based organs of direction subject themselves to strong influences from Congress. However, the fundamental issue of constitutional structure was scarcely recognized, and the development may prove only a minor episode rather than a turning point in the evolution of executive-legislative relationships.

VIII

How was demobilization planning, as it stood in the fall of 1944, to be evaluated? It was almost entirely short-term in character, pointed toward

²⁴ S. 2051, providing for the creation of an Office of War Mobilization and Reconversion, passed the Senate August 11, 1944. See Senate Report No. 1035, 73th Cong., 2d Sess. On August 31, the bill passed the House, but with important amendments, including the removal from the Senate version of provisions broadening unemployment compensation coverage. See House Report No. 1798, 78th Cong., 2d Sess. For the reconciliation of those differences, see House Report No. 1902, 73th Cong., 2d Sess.

²⁵ In some of the bills (e.g., S. 1893), a "Bureau of Programs" was provided to aid the proposed Director of War Mobilization and Reconversion by maintaining a system of progress reports and by preparing proposed plans for action. The statutory language was somewhat reminiscent of the functions of the National Resources Planning Board, earlier abolished by Congress; but the failure of the bill was attributable to its liberal unemployment insurance provisions.

the interim between the defeat of Germany and that of Japan.³⁸ In fundamental philosophy, it was orthodox *laissez-faire*; on that basic issue, one's judgment would depend on the predispositions with which one approached the subject. Given the broad policy and objectives, however, the preparatory accomplishments stood up well alongside the available yardsticks. The general outlines of the problem to come had been explored and defined—a process of fundamental importance for more detailed work. Congress and the executive had taken important first steps, by statute and by order. In the administrative agencies, organization and procedure had been established and a great mass of minutiae had received attention. It could, of course, be safely predicted that scandalous and stupid actions would occur in the process of demobilization. They always have; but in the emerging conditions the opportunities would be exceptional. Judged against ideal standards, the preparations showed many shortcomings of which none was more keenly aware than the responsible officials. Gauged against more earthy criteria, such as the state of affairs at the end of World War I, the general course of development stood out as respectable progress. All this could be correct and yet allow room for skepticism toward the belief that the policy doctrines predominant at the moment would assure high-level production when military expenditures came to be reduced to a peacetime level.

IV. EXECUTIVE-LEGISLATIVE RESPONSIBILITIES

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I

Successful reconversion is a gamble at best. Problems of contract termination, surplus disposal, fiscal policy and taxation, manpower and labor policy, change-over from wartime controls, and resumption of peacetime production are all interrelated in greater or less degree. The better these policies are integrated, both in conception and in execution, the better we can advance a consistent program for peacetime plenty. The logic of policy objectives points to the need for unified, coherent, and positive governmental action. This is just the kind of political and administrative treatment that we have failed to get in previous demobilization periods. This time we may act differently. New problems and new conditions militate against the repetition of past errors; but old attitudes and prejudices tip the balance toward the postwar behavior of Reconstruction days

³⁸ There was some wry speculation about the state in which the country would find itself should the basic military assumption, viz., that Germany would be first defeated, turn out to be wrong.

or of World War I. The price we paid then was high, but it can be infinitely higher under present-day conditions.

Conflict between the presidency and Congress after both the Civil War and World War I made a concerted national policy of demobilization impossible and tended even to undo the very purposes for which men had died in battle. In the first instance, while the Union was preserved, actual reunion in spirit and in common purpose was delayed by savage disagreement over Reconstruction policy. In the second instance, the means for maintaining a peaceful democratic world could not be agreed upon. Division over our own objectives then started the forces in train for the war of this generation. Political disagreement led not only to tragedy in the long run, but in more immediate terms to a governmental negativism that stood helpless before the unemployment of 1918-19 and the depression of the twenties, the unheeded harbinger of worse to come.

As this war draws to a close, decisive governmental action will be as essential for reconversion to peace as it was for war mobilization. Yet missing will be the sanctions that only war demands can impose. A positive program for demobilization means that the government may have to discharge responsibilities as intricate and weighty as those of wartime, but without the relatively high degree of national unity that war insures for public policies.

The postwar climate of opinion may be very different indeed. There will be inevitable fatigue and a hopeful search for "normalcy." It is unlikely that we shall, as after the last war, raise a tired feeling to the dignity of national policy. Inertia, however, will be a factor. More important will be the conflict of opinion concerning peacetime objectives. To win a war, all men can agree that the prime concern is destroying the enemy. Winning the peace, however, means many different things to different men. On the other hand, the concept of full employment and the war-born realization of what full production could mean in peacetime may result in a public demand that the diverse economic interests of the nation be directed toward a common goal.

For the period of demobilization, it would seem of the utmost importance to reach speedy agreement upon the broad public purposes that we want to realize. One great heritage of this war can be the full confidence that, once we are agreed upon our objectives, no nation has superior skill in bringing its aspirations into actuality. We know also from our war experience that while leadership is important, the intelligent coöperation and support of the "little man" spells the success or failure of a program. There were prophets who argued that war would bring an end to our liberties. War has necessitated drastic controls, but it has strengthened rather than weakened our democratic institutions. We have proved to ourselves that once the goal of victory is set we can organize and carry through to its

accomplishment. We have demonstrated that it is because of, rather than despite, our institutions of self-government that we have been able to mobilize and bring to bear the full weight of national strength. All this experience can be applied during a period of demobilization if we can fix upon our goal with the same clarity and singleness of purpose that has made possible the effective administration of a war program.

Even granting that we reach more general public agreement upon policy objectives than in previous periods of demobilization, any program, under our governmental system, is always vulnerable to a rivalry of direction between the President and Congress. Hence a common understanding of the meaning of the separation of powers is of great importance if demobilization is to be carried through successfully.

In this paper I shall attempt to analyze executive-legislative relations and responsibilities, and to suggest the tendencies that need deliberately to be strengthened during the immediate postwar years.

II

History shows an alternation between domination by the chief executive and by the legislative branch. During the two previous periods of demobilization following major wars, control of the government passed from the executive to the legislative branch. What if history should repeat itself? What would such a shift within our government system mean for the period ahead? Will we be better able to meet postwar problems under the conditions of a presidential system or under those of congressional government? Past experience offers highly pertinent answers to these questions.

Congressional repudiation of Woodrow Wilson provided no alternative leadership. On the international stage, our influence was statesmanship in default. Good luck rather than good management saw us through domestic reconversion. The war was brief and never involved a full quarter of our national gross product.¹ Harding not only left Congress alone but so limited his duties as chief executive that the dishonesty of members of his cabinet was probably as much a surprise to him as it was a shock to the public. Presidential incompetence did not mean that the national legislature took over the direction of public affairs. Congress was not organized for leadership then any more than it is today.² Congressional government under conditions of presidential default means rule by the bartering of blocs.

If demobilization after World War I demonstrates the hazards of weak-

¹ John M. Clark, "How Not to Reconvert," *Political Science Quarterly*, Vol. 59, p. 177 (June, 1944).

² For a critique of legislative organization in the twenties, see George Rothwell Brown, *The Leadership of Congress* (New York, 1922). For comparison, see Roland Young, *This Is Congress* (New York, 1943).

ness and indecision, the Civil War aftermath illustrates more positive dangers. The issue concerning the ultimate authority of the federal government was no sooner settled by the defeat of the Confederates than a conflict arose among the victors over whether Reconstruction was to be administered by the President or by direction of Congress. There were grave differences about substantive policy, but underlying all the complexities of debate and all the legalistic hair-splitting was the congressional conviction that Reconstruction was a legislative problem. The President was to confine himself to his executive duties; his orders were to come from the legislature; his discretion and his judgment were to be minimized.

This ran counter to Lincoln's conception of presidential government, and the battle was joined. President Johnson's lack of statesmanship exacerbated the controversy. In the course of this ignominious squabble, disaffection entered the cabinet that Johnson had retained from Lincoln's time. Secretary of War Stanton ganged up with his Republican friends in Congress in an effort to usurp the President's control of military affairs. This move is pertinent here as one illustration of the extremes to which dissension went. "It may be looked upon," writes one historian of this period, "as a conspiracy of the Republican majority in Congress to rob the President of his constitutional prerogatives, to change the form of government from the presidential to the parliamentary system of administration."²

It is an elementary principle of administration that officials cannot properly be held accountable by separate and conflicting superiors. Yet the relations between President Johnson and Congress created such a dilemma. When the legislature and the chief executive are in disagreement over the meaning of public policy, to whom shall officials turn for guidance? In 1867, for example, the generals newly charged with the administration of the Reconstruction Acts asked Johnson for instructions about the way in which they were to carry out the provisions of the law. With the backing of all of the cabinet save Stanton, and with the legal counsel of the Attorney-General, the President responded. Congress countered by enacting its own interpretations. The President vetoed the measure. Public administration marched blindly into a *cul-de-sac*. In his veto message, Johnson protested: "I can never give my assent to be made responsible for the faithful execution of laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers. If this executive trust vested in the President is to be taken from him and vested in a subordinate officer, the responsibility will be with Congress in clothing the subordinate with unconstitutional power and with the officer who assumes its exercise."

² John W. Burgess, *Reconstruction and the Constitution, 1866-1876* (New York, 1902), p. 91.

Here in a time of crisis the uncertainties implicit in our separation of powers heightened the conflict between the chief executive and the legislature. Under normal conditions, both President and Congress refrain from pushing their dissensions to such extremes as those of the "Age of Hate." Thus is fact erected to a principle of government.

Yet the unresolved difference concerning the presidential versus the congressional theory of responsibility for administrative action lies like a submerged reef. It can be avoided by well-informed and reasonable men, but it remains a potential danger. In wartime, Congress has been usually willing to recognize presidential direction; in peacetime, the government is seldom called upon to take drastic action. Even so, the independent regulatory commissions have raised perplexing and as yet unanswered questions. These commissions are called to account variously by the courts, the Congress, and the chief executive. For the most part, reasonable men have succeeded in making these arrangements work despite inherent ambiguities. In the quasi-judicial duties of the commissions, the difficulties are less; policy issues, however, cannot be met so politely.

While congressmen recognize that many functions must be turned over to administrative agencies, some legislators hope to do this without necessarily enhancing the powers of the President. This has been a persistent attitude. From the outset of this present war emergency it was clear, moreover, that unity of direction was essential. Could this be attained only through the chief executive? Reputedly, when William Knudsen, in the days of the National Defense Advisory Commission, inquired, "Who's boss?" the President replied, "I am." This answer, however, has never been entirely accepted. Beginning in 1941, there arose an insistence that what the country needed was a civilian chief of all war mobilization. But how create such a post without setting up a rival "assistant president?"

Later, the Tolan Committee came forward with a proposed Office of War Mobilization headed up by a czar for war. What would have been the relationship between this Poo-bah and the President was never adequately clarified. Of interest here was the apparent readiness of some congressmen to set up an appointive officer to whom the chief executive of a nation at war would delegate the major responsibility for total mobilization. Presumably some congressmen felt that the chances for legislative control over an office of their creation would be better than would their influence with the Chief Executive. The Contract Settlement Act of 1944 and other subsequent legislation reflect a similar line of reasoning for the handling of demobilization. Provisions that would short-circuit the full responsibility of the Chief Executive make all the more difficult a concerted approach to reconversion and peacetime problems.

III

Many of the complications in the relationship between Congress and

the executive can be traced back to conflicting theories about the proper rôles of the two branches. To certain highly influential congressmen, our central control agencies such as the Civil Service Commission, the Bureau of the Budget, or the General Accounting Office must be looked upon as arms of Congress. Others would insist that these agencies must be more clearly recognized as arms of the chief executive. Such theoretical differences can give rise to very practical difficulties. Our central staff agencies are faced with a dilemma. They are expected to serve two masters. In 1943, Congress put the Budget Bureau to work in applying manpower ceilings. Congressmen have indicated clearly to the Civil Service Commission that they regard it as performing certain legislative functions delegated by Congress. But there is a jealous watchfulness from the Hill against the exercise of much discretion by Civil Service Commission officials.

Some congressmen would prefer to see these central control agencies exercise their independent judgment in dealing with other administrative agencies. They apparently believe that these control establishments should act, not as staff aides of a responsible chief executive, but rather as checks upon the administrative discretion of officials in operating bureaus. This view carries the doctrine of checks and balances over into the administrative branch itself. For example, congressmen, while speaking of the General Accounting Office at times as a congressional agency, realize that no very effective contact with Congress can be maintained. Nevertheless, they are ready to defend the Comptroller General in his disputes with other federal agencies. Recent legislative hearings indicate that some congressmen would rather see the Budget Bureau follow a strong independent line of its own than exercise more power as a staff arm of the President. The rationale of such a position rests, I think, upon the traditional American distrust of executive power and a belief in counterbalancing the discretionary power of one group of officials with that of another. The great weakness of such a process is the disparate character of the decisions made. It permits a dangerous lack of coördination. This becomes grave, indeed, when we consider the essential interrelation that must be worked out if a general line of policy or a broad program is to be achieved.

This difference of governmental theory cannot lie dormant during the period of reconstruction ahead if Congress reasserts its "rights" and the President insists upon his. Congressional resurgence can be expected in some measure as a reaction to the war years; yet the scale of postwar problems calls for responsible executive leadership of the administrative branch. This need not constitute a cause for floundering. There is ample scope for the highest degree of congressional statesmanship. But it must not take the form of congressional direction of administration. Congress-

men can investigate whatever phases of bureaucratic behavior they choose; they can press for the redress of grievances felt by their constituencies. They should not expect officials to serve two masters; nor should they set up special agencies accountable directly to the Congress.

Experience shows clearly that effective surveillance by the national legislature is impracticable. Congress is not organized to do such a job, and even if it were, it would run head-on into the President in his distinctive rôle as administrator-in-chief. True enough, the distinction made here so categorically is much less clear-cut in actual governmental practice.

Within the federal government, the lines of administrative control and of responsibility are often pictured as running vertically from subordinate to superior up through agency channels converging in the chief executive as the top of the hierarchy. The theory of presidential responsibility, if consistently applied, would result in such a structure. We find in fact a much less coherent relationship. Many lines of control or accountability run directly from administrative agencies to Congress. This network might be described as imposing horizontal responsibility. In the day-to-day functioning of government there is a maze of crisscrossing relationships between the President, Congress, and the departments, independent commissions, public corporations, and other agencies that compose the federal establishment.

This is not the place to review the many important steps taken in recent years toward getting a higher degree of order into such relationships. Much has been done, particularly by the Budget Bureau, since the Reorganization Act of 1939. Much remains to be done. The task is a continuous one. It involves a constant effort to keep the channels of communication clear, to inform the President of emergent policies disruptive to or inconsistent with his program, and to bring officials into some reasonable alignment so that administrative duplications or contradictions can be minimized.

There are limits, however, to the maintenance of the vertical system of responsibility, both because of bureaucratic behavior and of political influences. From an administrative standpoint, there have been many developments which have greatly aggravated the problem of coördination. In addition, we find introduced into the administrative branch political struggles for power, for prestige, and for the actual possession of control over men and materials.

How far can the chief executive go in applying administrative control over operating agencies when in political terms an agency has a high degree of independence? One illustration is the Reconstruction Finance Corporation. Jesse Jones' influence is obviously based upon his close ties with important business leaders and the firm loyalties that bind together

informally members of the Texas coterie and their conservative Southern brethren. The lines of administrative responsibility cannot be traced straight up to the President as chief administrator. There is rather a maze of contacts with the world of finance and with important members of Congress. The artificiality of our theory of the separation of powers is clearly seen when contrasted with such an integration of power flowing from both administrative and legislative sources. The relationship so well typified by Jesse Jones cannot be regarded as an aberration. It is rather a clear and forceful illustration of how our system works in many instances.

Officials often find themselves free to develop and promote more or less irresponsibly proposals of far-reaching consequences. There is no assurance that policies that should be cleared at a high level will systematically come to the attention of all those concerned. On the contrary, an official may have an idea of great importance for the policy of his agency, but instead of channeling it up the administrative hierarchy, the matter may be taken directly to Congress or to outside interests with whom the official is working closely. For example, when the so-called Bankhead amendment was being considered in the spring of 1944, an official of the Office of Price Administration threw his support behind the amendment while testifying before the Senate Committee. There was nothing that Chester Bowles could do under the circumstances beyond making clear that the official's view differed from that of his agency. The freedom exercised by officials in promoting plans of their own is provocative of fighting and confusion.

Closely akin to this form of "free enterprise" in public policy is the high degree of independence exercised by certain departments and agencies within the federal establishment. Perhaps more important, though less conspicuous, is the autonomy achieved by subordinate bureaus and even divisions. In these terms, our federal bureaucracy may be envisaged much more accurately by comparison with a decaying feudal pattern of fiefs, baronies, and dukedoms than in terms of an orderly and symmetrical pyramid of authority.

Such a development is better understood if we recognize that administrative agencies also are often representative institutions. They may be created in effect to represent a special economic interest, or they may represent an *ad hoc* attempt to meet a very specific need. They may stand for a particular purpose or viewpoint. For example, the Smaller War Plants Corporation was established with the interests of small business in mind. The political motivation here is clearer than in most cases. Other agencies may take the lead in evolving policy within a special field. For example, the Office of Civilian Requirements within the War Production Board is responsible for civilian needs as against military demands. In this sense it fulfills the function of an advocate. Our experience with agencies representing consumers is also germane.

The pressure of wartime emergency accelerated another trend in administration not unlike that toward special interest agencies. The critical need for rubber led to the creation of a separate office to deal with this commodity. There has been a proliferation of such "czars." For example, we have, among others, the Petroleum Administrator for War and the Solid Fuels Administration. Organization upon a commodity basis in the War Production Board meant that groups of officials were concerned primarily with the interests of the industries producing these commodities. Wartime conditions have brought to the forefront the phenomena of claimant agencies. Here officials appear in the rôle of special pleaders for their share of limited wartime resources.

To complicate the problem of coördination, we find in Washington today a great accumulation of agencies brought into being in response to the aspirations of past Congresses and the hopes of presidents long since gone. Every election means a turn of the political kaleidoscope and a rejumping of political elements into a different pattern. Each rearrangement of the political pattern expresses itself in many new political appointments or in statutory enactments. Both may grow outdated within a brief span, but laws are not thereby erased from the statute books nor officials removed. This great bureaucratic residue might be likened to geological strata and, like its counterpart in nature, fossils and ossified remains can be found. There is a temptation to elaborate such a metaphor by reference to missing links and monsters with great defensive powers developed at the expense of movement and intellect.

In summary, then, we note that lines of responsibility cannot be pictured as flowing evenly upward to the chief executive and from this point conveyed to Congress in a clear-cut program. And within our great departments and large agencies it is sometimes very difficult indeed to maintain effective lines of accountability to the head of the agency. Under our present system, presidential responsibility for the great mass of administration is often a fiction.

IV

It is important also to consider the factors other than administrative which the President may be forced to take into account in dealing with the executive branch. Canons of efficiency cannot be the sole determinant. Some of these other factors may be personal to the incumbent. For example, to maintain the loyalty of associates and supporters, personal friendships and an appearance of confidence are essential. If a leader wants his followers to stand by him, he must be ready to support them. Moreover, the chief executive will have characteristic ways of doing business. He may, for example, be ready to delegate responsibility to others, or he may much prefer to act directly. In other words, presidential government brings into great prominence personal characteristics of the chief executive.

We find friction between the President and Congress caused by political rivalries and personal enmities. Factional disputes within the majority party may be even more disruptive than inter-party warfare in so far as congressional-presidential relations are concerned. While there can be no ultimate "solution" that will eliminate human jealousies, centralization of control within our major parties would reduce the independence of senators or congressmen who can indulge their individualism in the national legislature so long as they reflect the local political interests back home. There is a basic incompatibility between the political world of a Senator McKellar, for example, and the attitudes toward government that the Tennessee Valley Authority engenders among the citizenry of this great river area. The politics of personal favoritism and "states rights" faces new political forces based upon technology and national purposes.

Inevitably, congressmen as the representatives of local constituencies will be impressed with a different assortment of facts than those which seem most important to the official at his desk in Washington. This difference in the focus of attention will always maintain a difference of viewpoint between legislators and administrators. The congressman tends to think of the individual who comes to him with some grievance or injustice encountered in the administration of public policy. Such perspective is needed. It is well that a citizen can take his troubles to his representative and that officials must always feel accountable for their public actions.

Citizen reaction to the application of public policy may be such as greatly to aggravate the friction between Congress and officialdom. Congressmen are well aware of the dissatisfaction that many of their constituents feel with the conduct of various segments of public business. Their own distrust of bureaucracy is increased by the tales they get from home. However, when election time comes and the voter registers his dissatisfaction at the polls, it is the elected and not the appointed official who stands or falls on the outcome. This thought seems to fill some members of Congress with a sense of impotent wrath. It certainly fortifies their determination to save their own political skin by flaying the bureaucrat. One unfortunate consequence is disproportionate attention to minor abuses and neglect of larger aspects of public policy.

A factor of new importance in the relations of the legislative and administrative branches is the dependence of congressmen upon officials in maintaining the good will of the folks back home. Congress, we know, is jealous of its law-making powers and is loath to delegate discretionary authority to administrative agencies. This general attitude is well recognized; but less familiar is the very specific effect such delegation may have upon the individual congressman. For example, a member of Congress recently let an administrative agency know that despite the adjournment of Congress and the summer heat he dared not go home until freeze was

granted an influential constituent of his, the owner of a large department store. In another recent instance, the outcome of a primary election was determined by the success a congressman had in getting a favorable ruling from a regulatory agency.

In other words, the local prestige and status of a congressman in maintaining his office may be tied up with the action taken by appointive officials. And the congressman may bluster and threaten, but inescapably he remains the petitioner and the agency the grantor. Officials concerned solely with discharging their duties to the best of their abilities and in the public interest cannot avoid the political potentialities inherent in their administrative discretion. And some of our lawmakers do not relish their dependence upon some of our rule-makers when the latter have the power to give or withhold that which constituents tell their representatives they must have. Localism is tenacious and hinders our need to deal with issues that far transcend state or national boundaries. In their aggregate effect, "politics"—on the one hand in the sense of localism, personal favoritism, and partisanship, and on the other in terms of bureaucratic resistance, narrow agency loyalties, and the influence of special interests—makes the central coördination and control of administrative activity very difficult indeed.

Congressmen fear that the bureaucracy will get out of hand. Many legislators would prefer to maintain a specific and limited influence over the officials who affect their constituency or their sectional interests, instead of a broader but more remote system of over-all administrative responsibility and control. Officials are subjected to pressure; officials exert pressure. But there is no single higher pressure that brings cohesion and direction to the struggles of either bureaucrats or politicians. Thus resistances to presidential responsibility are found both operating within the administrative branch and joining with political forces on the outside.

Rather than assume a "natural" trend toward the enhancement of presidential power as the product of inherent forces within our political system, we must recognize the opposite tendency as the one to guard against. We need to counteract centrifugal rather than centralizing trends. The forces supporting coördination are hardly equal to meeting the pressures of bureaucrats and politicians to go their various ways. The oft-expressed fear of centralization of power is a serious misinterpretation of our basic governmental problem. The confusion of wartime administration cannot be explained away as due simply to emergency conditions or to "red tape" or "that man in the White House." It is rather the extreme expression of persistent tendencies inherent within our governmental system. And the heavier the burden of work we impose upon the administrative branch, the greater the necessity for strengthening presidential control over the administrative establishment.

It is true that we have vested vast powers in the federal government. It is also true that this seems almost to be an "inevitable" trend. But we seem to forget that the federal government, to do what is expected of it, needs more than the statutory assignment of responsibility or legal power. Power, if it is to be effective, must be organized, and organized power must be held strictly accountable. We have massed power in the federal government, but we have not followed through by centering authority and responsibility for its administration.

The pressures for a do-something government are continuing. The needs of demobilization add their weight to this movement. One danger lies in the present confusion about the way in which our government can best be used to accomplish our purposes.

There is a marked tendency for men suspicious of public action to support congressional government. In the past, it has meant a less coherent course of policy. It has been more amenable to control by minority interests and pressure groups. This need not be the case. Basically, congressional government has more in common with cabinet government than with a presidential system. After all, British ministers simply constitute a super-steering committee of the Commons. Our system might conceivably evolve in this direction, but at the price of turning the chief executive into a *roi-fainéant* comparable to the president of the French Republic. Much more likely in the long run is an increase of presidential power.

If we staff our congressional committees with experts and place strong and effective procedural controls in the hands of a few legislators with the determination that Congress shall develop a distinct and independent congressional program of national policy, we must not ignore for a minute the repercussions that this will have upon administrative policy and presidential leadership. A governmental system divided against itself will fall. To urge an increase of congressional power at the expense of presidential control may actually encourage a reaction against trends that cannot be denied but may be guided. Whatever we do in our effort toward bettering relations between the two branches must be based, not only upon the kind of government we prefer in this country, but also upon a type well suited to dealing with other nations. Our international position demands strong and flexible statesmanship on behalf of this nation in negotiating with one-party states or powerfully centralized governments abroad. I think a presidential system is best suited to the conditions that may be anticipated in the postwar world.

v

We live in an age of crisis. War is the bitterest expression of forces that were present before the war, that caused the outbreak of hostilities, and that will continue afterwards. War settles the ascendancy of nations and

the power of leaders, but it does not provide constructive answers for the deeper questions posed by nationalism and economic rivalries in an interdependent world. We fought the Revolutionary War to determine whether we were to develop as a nation or as a colonial people. We fought the Civil War to decide whether our constitution had erected an indissoluble Union or a Confederation of States. We have fought two World Wars because of our increasing recognition of the inescapably positive part our government has in world affairs. We face today another basic question concerning the nature of our government and its capacity for carrying heavier burdens. This is an issue that will color much of our political debate in the years to come, but hardly in sanguinary hues.

It seems clear that the tasks of demobilization call for the maintenance of sufficiently strong lines of vertical responsibility within our federal administration to insure coherent executive direction. A period of demobilization carries as part of postwar reaction a tendency to disunity, a revulsion away from the central purposes of wartime. These psychological elements join with the persistent political tendencies toward localism or particularism found in Congress and the administrative branch in aggravating the centrifugal forces in our government. While the powers of the federal government are massive, the means of coordinating and directing the execution of public policy need strengthening. This is better achieved through insistence upon presidential responsibility for administration than through congressional surveillance of officials. Using some federal agencies to counterbalance the power of others does not make for efficiency or promote accountability.

It is only by conscious and continuous effort that coordination can be imposed. Congress is the appropriate institution for representing the varied interests of the nation and for compromising differences so that broader purposes can be established through legislation. When congressmen take an active part in the superintendence of administrative agencies, they tend to bring into this branch of the government values and standards that are more appropriate to representation than to administration. Successful demobilization calls first for the reconciling of differences, a legislative function; once the policy goals are authorized, the executive function takes over.

It is the duty of presidential leadership to coordinate the administration of public policy. It would be unwise for Congress to impose separate and multiple horizontal controls over our federal establishment. We cannot drive ahead toward postwar goals without clear administrative responsibility. On this point our wartime experience can be put to constructive peacetime use. The memory of congressional cross-purposes after the Civil War and World War I holds a warning for the postwar days ahead.

V. WAR ORGANIZATION OF THE FEDERAL GOVERNMENT

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I

The war organization of the government of the United States reached its full maturity by the end of 1943. The Great Divide was marked by the last creation of coördinating agencies both in Washington and in the tight production areas throughout the land and the first establishment of demobilization agencies. There were many signs of the new orientation. By the middle of 1944, the Veterans Administration was assigned important new responsibilities; a Surplus War Property Administration was created; contract termination began to move on a larger scale; the Office of Rubber Director was abolished; the War Production Board and the War Manpower Commission were talking about the elimination of most of their controls as soon as Germany collapsed; the Director of War Mobilization issued a broad program for coördinated demobilization and reconversion; and the spirit of the Combined Boards was bivouacking in the Dumbarton Oaks.

While there may be further organizational adjustments before both Germany and Japan are brought to their knees, these changes will find their origin in the desire to build bridges to peace, and in political and personal considerations, rather than in any administrative necessities arising from the conduct of the war. Standing thus close to the high point of our war organization development, we may note the major outlines of what has happened, even though broader perspectives will be required to gather and fit together all the pieces and draw off the lessons of our experience.

II

Before reviewing the developing war structure of the United States, we need to have before us a clear picture of the scope of the problem of war organization. In its narrowest sense—and a limited definition is surely desirable in a discussion of this character—the function of war organization is to bring into action and to coördinate the maximum resources which a nation can muster to end the military threat to its people and destroy the military power of its enemies. It will be observed that this is an old-fashioned definition of war, ignoring both the long-range international economic and political problems which are dominant between wars, and likewise the problems of domestic economic and social policy which are usually thought to be a part of postwar reconstruction rather than a part of war itself. Dangerous as it is to overlook these fundamental continuous elements of war and peace, they are omitted here because

they have played little if any rôle in the war organization of the United States for World War II, and because their necessary relation to military warfare has not as yet been accepted widely enough to constitute an element of knowledge or expectation which enters effectively into the matrix of war organization.

On this basis, the resources which a nation can muster for war include the following:

1. The armed services, on land and sea and in the air, and their equipment;
2. The allies or the neutrals a nation can bring to its aid, not only in a military way, but also as sources of material, transport, and other shortage items;
3. Its manpower, a resource which can be channeled to points of need, and can be greatly developed by training, by discipline, by health measures, and especially by the development of its determination, by strengthening its morale;
4. Its natural resources, including metals, chemicals, components, and the like; farm and forest products, especially food; fuel, especially petroleum; including, of course, for all these items stockpiles and inventories;
5. Its facilities, such as factories, transportation (rail, highway, air, and sea), power, communications, cities and housing;
6. Its science, research, and technology, not only their state of development and extent of dissemination, but also their canalization for use; and
7. Its organization, including its political and economic institutions, especially the structure of government, of industry, and of public and private finance; the wage system, prices, distribution mechanisms, and public and private credit.

Though these chief resources of military power may well be grouped in other ways to bring out various factors, the brief tabulation here presented will serve its purpose if it affords a general conspectus of the major elements of fighting power which are involved in the problem of war organization. It is the function of war organization to lay hold of these resources and to develop each to the point of maximum value in a balanced program of military operations—that is, to coördinate them for victory.

In this process, two extraordinarily important aspects of war operation must command the attention of administrators: (1) the necessity for vigorous action and therefore for the instruments of performance, and (2) the necessity for continuous coördination and therefore for the instruments of correlation.

III

There are four distinct periods in the development of the war organization of the United States in World War II. They may be identified as follows:

1. *Early Planning Period*, from 1938 or 1939 to December, 1940. It is difficult to set the beginning date of this period, because individuals like the President, Secretary of the Treasury Henry Morgenthau, and Acting Secretary of War Louis Johnson were concerned with war organization long before Germany turned westward into the Low Countries. However, 1940 was an election year, and the President was under constraint not to appear eager for war. He was busy "keeping us out of war," but at the same time he found it necessary to start systematic "defense" planning, and thus to initiate the organizations which grew into the war machinery.

The first such organizational move came in May, 1940, when the President activated the Office for Emergency Management, provision for which had been made in the Executive Office of the President under Reorganization Plan I, in accordance with the recommendations of the President's Committee on Administrative Management.¹ From a legal standpoint, almost the entire civilian war organization has been set up within the framework of the OEM. As part of the same move, though a few days later, the President called into being the Council of National Defense, established by act of Congress in 1916, virtually as a committee of the cabinet. This again was a formal step, as the Council appears never to have met apart from the cabinet; its sole purpose was to create the National Defense Advisory Commission, approve rules of procedure, and appoint a number of special committees or individuals to work with the Advisory Commission, all of which was done without a formal meeting of the Council.

It is a mistake to think of the NDAC, which was thus established, as the first "war organization" of the federal government, as a *commission* with group responsibility, though certain duties were conferred upon it as a whole by executive order or congressional act before the end of the year. Both in origin and in essence, each of the seven members provided by law was an individual adviser to the President. For this reason, the Commission had no chairman, unless it was the President, with whom the Commission met regularly, and each member did his own work and made his own recommendations individually.

The area covered by the members in the aggregate was extremely broad. This was clear from their assignments as spelled out by the President: Industrial Production, William S. Knudsen; Industrial Materials,

¹ A number of general mobilization plans were drawn up early in this period, but are not discussed here as they have had little or no effect upon the course of events. These are the M-Day Plan of the Army-Navy Munitions Board, third revision, 1939; the Report of the War Resources Board, 1939; and the Brookings Plan, 1939. All of these plans assumed that a comprehensive organization would be established from the first with extensive congressional authorization, though certain parts of the structure would be filled in as a war developed.

Edward R. Stettinius, Jr.; Employment (including labor relations, labor requirements, employment standards, labor supply and training), Sidney Hillman; Farm Products, Chester C. Davis; Transportation, Ralph Budd; Price Stabilization, Leon Henderson; Consumer Protection (including economic questions, adequacy of consumer goods, cost of living, and welfare questions), Harriet Elliott.

Subsequently, a Priorities Board, with Donald M. Nelson as its administrator, was associated with the NDAC, as were a Coördinator for Health, Welfare, and Related Defense Activities, and the Defense Housing Coördinator, Charles F. Palmer. As staff aids, the Commission developed an Information Division under Robert W. Horton, a Research and Statistics Division under Stacy May, a State and Local Coöperation Division under Frank Bane, and a Tax Certification Section.

During this same period, a number of other steps important to war organization were taken. The Selective Service System was created on the adoption by Congress of the Selective Service Act. The Office of Export Control was created directly under the President, though export licenses were issued through the State Department. The Treasury established control over foreign aircraft orders, Nelson Rockefeller set up what became the Office of the Coördinator of Inter-American Affairs, and the Defense Communications Board was established. The Reconstruction Finance Corporation was brought into action and set up the Rubber Reserve Corporation, the Metals Reserve Corporation, the Defense Plant Corporation, and the Defense Supplies Corporation. In the manpower field, the Training Within Industry Program was initiated. The National Defense Research Council also came into being.

2. *Early Operations Period*, from December, 1940, to December, 1941. This period began with the creation of the Priorities Board under Nelson, and the rising tide of dissatisfaction with the structure of the NDAC. The latter's various "advisory" commissioners were pressing into operations in every direction, and the lack of any central direction or control proved the source of much confusion and criticism.

Early in 1941, this situation was brought to a head by the creation of the Office of Production Management under the joint direction of Knudsen and Hillman. As compared with the NDAC, the Office of Production Management was cut down to production and priorities, but it was no longer purely a planning agency. Prices and economic protection of civilians went to a new organization, Henderson's Office of Price Administration and Civilian Supply; state and local coöperation went to the Office of Civilian Defense under Mayor LaGuardia; foreign economic operations went to the Economic Defense Board under Vice President Wallace and Milo Perkins; basic information came under the Coördinator of Information, William J. Donovan, and then Archibald MacLeish (Office of Facts

and Figures); Vannevar Bush constructed the Office of Scientific Research and Development; and the direction of health work went to the Office of Defense Health and Welfare Services in the Federal Security Agency. The Office of Lend-Lease Administration under Stettinius appeared during the summer, although the act, perhaps the most spectacular development of this war, went into operation some time earlier.

The need for coördination became evident as the importance of priorities grew and certain of these new units collided; in September, the President created the Supply Priorities and Allocations Board under the chairmanship of Vice President Wallace. At the same time, civilian supply was moved to the Office of Production Management. Henderson continued to direct it, but he devoted his main energies to the Office of Price Administration. This was the situation at the end of November, 1941.

3. *War Production Period*, from December, 1941, to November, 1942. Then came Pearl Harbor, the declaration of war on Japan, Germany, and Italy, the full legal recognition that the United States was at war, and the full support of public opinion for vigorous measures of action, control, and coördination.³

The first principal stroke was the abandonment of both coördination by voluntary board action and production management through a two-headed office, and the establishment of one man, Donald Nelson, as the dictator of war production, though his post was euphemistically known as "Chairman of the War Production Board." During this stage of the war, the shortages were material, facilities, and components, and in each of the three fields the WPB was supreme. Through its management of these resources, it coördinated if it did not direct all of the American economy.

Early in 1942, both the War Department and the Navy Department were extensively reorganized and put in order for the war. The Combined Boards were established to develop coördination with the United Kingdom, and the Joint Chiefs of Staff became an organized entity designed to knit the United States military establishments more closely together. The Office of Censorship was created, and many boards and committees dropped "defense" from their names, changing the word to "war."

The War Shipping Administration emerged as the operating agency for ships, to take its place beside Joseph B. Eastman's Office of Defense Transportation, which early in the period assumed a similar rôle for railroads, trucks, and highways. Paul V. McNutt became the manpower coördinator at the head of the War Manpower Commission, and endeavored to work out the over-all availability of manpower for military and civilian assignments and to restrict the flow of men from certain critical employments.

During this period, war production rose from \$1,765,000,000 per month

³ The First War Powers Act (55 Stat. 338) was enacted on December 18, 1941, the Second War Powers Act (56 Stat. 176), on March 27, 1942.

to \$5,000,000,000 per. month, one of the most astonishing feats in industrial history. At the same time, certain of the programs failed to meet expectations, and new operating agencies were created to give them a boost. This was true especially of rubber (Office of the Rubber Director), petroleum (Petroleum Administration for War), and food, although the new machinery in this last field did not emerge until a little later, first loosely in the Department of Agriculture and then in the War Food Administration.

4. *Economic Coördination Period*, from November, 1942, to November, 1943. This is the last period of developing war organization. By its end, our structure reached its ultimate pattern for World War II.

Coördination was the central problem arising in this fourth period. In the production field, this brought on the final phase of firm control over materials in the Controlled Materials Plan and the general scheduling of tight production items. In wages and prices also, coördination became imperative; and an answer was found by creating the Office of Economic Stabilization directly in the White House itself. Later, as the whole economy continued to tighten, the interrelations of manpower, production, military programs, and the specialized needs for rubber, petroleum, coal, transport and agriculture, both in materials and men, together with the growing number of strikes, pressed for further coördinating adjustments and directives. This task and the duty of keeping Congress informed were turned over to James F. Byrnes as Director of War Mobilization. Byrnes forthwith became the President's general supervisor of the war effort except for its direct military and international political aspects; and because of the breadth of his assignment, he was immediately dubbed "Assistant President."

The aggravation of the manpower situation in certain sections led the WPB and the WMC to build a series of joint Area Production Urgency Committees to encourage the movement of labor to high-urgency plants and to keep it away from the others. While the more complete control was not introduced on a nation-wide basis until July, 1944, the foundation was laid in selected areas in the preceding year.

A significant reorganization was effected in foreign economic operations, partly as a cure for the chaos in this field which arose in North Africa in the wake of the military triumphs, and partly to end the jurisdictional struggles caused by overlapping functions. In the process, the Foreign Economic Administration was created; the Office of Lend-Lease Administration, the Board of Economic Warfare, the Office of Foreign Economic Coördination, and the Office of Foreign Relief and Rehabilitation Operations went out of existence; and a reorganization of the State Department itself was made necessary.

This, then, in bare outline, is the story of developing war organization in

the United States over the past five years. Is it a mere coincidence that the cycles run in periods of eleven or twelve months? The early planning period passed into early "defense" operations a year before Pearl Harbor. With the declaration of war came a year of terrific drive for war production, which ultimately reached six billion dollars a month, while armies were being fashioned and equipped on land and sea and in the air. After about eleven months, every resource of the nation was pushed to the limit achieved in this war, and a final stage of interrelationships emerged when manpower, wages, prices, production, transport, petroleum, steel, rubber, power, and components each impinged upon the other, demanding complete coordination in accordance with the grand strategy of the war. This ended the step-by-step development of action and of coordinating *war agencies*. Without in any way slackening the momentum achieved, the first steps toward reconversion appeared.

IV

While it is too soon to foresee what historical stages may be involved in reconversion, it is not too early to recognize the initial steps, if for no other purpose than to separate them from the war developments proper.

Reconversion planning received its first great public impetus with the release by the Office of War Mobilization of the Baruch-Hancock report in February, 1944, though it is true that the National Resources Planning Board was responsible for a preliminary but comprehensive demobilization plan issued in December, 1942, and elaborated the following June; and Donald Nelson had prepared a careful statement of WPB reconversion steps early in 1944, which he made public in March in a letter to Senator Maloney. However, Congress was extremely dilatory. To start the ball rolling, the President set up the Surplus War Property Administration and the Retraining and Reemployment Administration. Congress did strengthen the authority of the Veterans Administration by the so-called G.I. Bill of Rights, and created the Office of Contract Settlement as well. In September, it finally reached agreement on the War Mobilization and Reconversion Administration. It also adopted a number of policy directives to guide that administration.

Shortly before, the Office of the Rubber Director was abolished by the President, and the war's most spectacular organizational "czardom" came to an end. In the middle of September, the President instructed Budget Director Harold D. Smith to work out specific plans for demobilizing the war agencies.

From an administrative standpoint, the first determined moves toward reconversion on the economic front were Nelson's four epochal orders of July and August, 1944, even though they made only the smallest imme-

diate practical difference. Their significance from a policy standpoint was so clearly recognized that Nelson's quiet and stubborn insistence on having the orders go out precipitated most serious internal organizational and coördinative tensions. However, the resulting explosion produced no structural changes, and, if anything, strengthened the authority of the WPB to determine how and when to wind up the barbed wire within which industry has been confined by restrictive orders. These first steps toward reconversion were thrust into the period of economic coördination, not because they were called for by the war, but because it was clear that maximum mobilization had already been achieved and that postwar adjustments could not be postponed indefinitely and improvised after Germany's fall.

V

Even so superficial a review of the evolution of our war organization and the beginning of its transition to peace reveals a number of salient facts. The following deserve special notice here:

1. The United States went into this war through the back door. We were not only hoping not to be drawn in, but our political leaders were endeavoring not even to seem to be preparing for war. As a result, there were no adequate legal authorizations for war controls or war organization. The President therefore initiated the early planning steps in accordance with provisions already on the books, the National Defense Act of 1916 and Reorganization Plan I of 1939.

2. When the war actually became unavoidable in December, 1941, our war organization took on power and was built up piece by piece through executive orders on the foundations already laid in the planning period, around the men who were then at work and with the maximum utilization of peacetime governmental agencies. Naturally this did not result in the setting up of a neat and comprehensive scheme covering all anticipated war activities with *ad hoc* war machinery along the lines of the plans which had been perfected in 1939 under the leadership of the Army-Navy Munitions Board.

3. From that point on, elasticity and adaptation to meet changing needs was the rule. If an arrangement worked, it was left alone; if it was too slow, or got into trouble, it was reorganized or placed under new controls; if a new need developed, a new agency was set up.

4. A comparison of the war organization achieved in the United States in World War II with the list of national war resources presented above shows that every single resource was touched in one way or another. However, some resources were split while others were grouped, and some were combined with parts of others—on the basis not of logic but of the apparent need of the moment.

5. Throughout the war, two great needs emerged: the need for *action agencies* to get certain specific limited jobs done, like selective service, rubber, ships, petroleum, and prices; and simultaneously the need for *coördinating agencies* (like the Supply Priorities and Allocations Board, the Office of Economic Stabilization, and the Office of War Mobilization) to keep the action agencies from getting in each other's way. It is to be noted, however, that each action agency is at the same time a coördinating agency within the framework of its own functions, at times coördinating related governmental activities and at others private activities like railroads, ships, mines, and factories.

6. The timing of the creation of action agencies was dictated by events. When the railroads were expected to fail, the Office of Defense Transportation was set up; when the synthetic rubber program was thought to be in the doldrums, the Rubber Director was enthroned; when gasoline was rationed and the East Coast was shivering for lack of fuel, the fuel and petroleum administrations were decided upon; when the State Department failed to woo Latin America with orchids, the Office of the Coördinator of Inter-American Affairs was established; and when the diplomats were slow to enter into the economic operations of defense and war, the Board of Economic Warfare came into being, acquiring also certain powers over another slow-moving body, the Reconstruction Finance Corporation.

The same applies to the timing of the creation of the coördinating agencies. The chief agencies of this sort were set up after the action agencies had encountered difficulties, though some planning groups grew into coördinating agencies with authority over other activities before a serious need for coördinative action had become evident. This was true of the WPB, and to a lesser degree of the War Manpower Commission. The WPB from the first had all the power required to meet any conceivable production problem up to the spring of 1944 when the final pinch in manpower developed. At that time, the WMC had the machinery to balance off the various needs, subject to the over-all coördination imposed by the Office of War Mobilization. It is worth noting that both the Office of Economic Stabilization and the Office of War Mobilization relied for their approach to war agency correlation more on the solution of complaints and the settlement of controversies than on the development of positive programs. They also developed the "directive" into what is almost a new tool of coördination.

7. The evolution of coördinating agencies proceeded upstairs, step by step—that is, from narrow jurisdictions to successively wider jurisdictions, and from the far end of Pennsylvania Avenue right into the White House itself. This step-up development seems to have stemmed from two factors: first, the gradual integration of the whole economy as we proceeded from extensive unemployment to the highest level of production

per man ever achieved in any economy; and second, the increasing pressure on the President to reduce the number of individuals reporting directly to him and the number of problems coming to him for resolution in undistilled form.

In this process, the lower steps of coördination were usually—but not always—retained, so that the final result was a system of layers. Before the end there were many first-step coördinators like the Office of the Coördinator of Inter-American Affairs and the National Housing Agency; some regional coördinators like the Area Production Urgency Committees, the Committee for Congested Production Areas, the Facilities Committee, and the Plant Site Board; a few highly important second-step coördinators like the Joint Chiefs of Staff, the WPB, the WMC, the Office of Economic Stabilization, the Office of War Information, and the Foreign Economic Administration, some of which had more or less important operating functions as well; one “over-all” coördinating agency, the Office of War Mobilization, though “over-all” is a misnomer; and finally the presidency, which alone brings together the threads of the military services, the Joint Chiefs of Staff, the OWM, and the State Department.

8. Through all these steps, coördination is effected by individual men in whom authority has been placed to act or to issue directives of one form or another. In no case is a coördinating function assigned to a board or committee on the basis of votes cast. None the less, at virtually every point of coördination some form of inter-agency advisory board is provided. In fact, the number of overlapping memberships for men like the chairman of the WPB, the Price Administrator, or the chairman of the War Manpower Commission are far beyond the point of diminishing returns. Thus, while no man has to wait for his interlocking advisory boards to act, or is constrained to abide by their votes, he has a thorough knowledge of the main interrelated problems and of the attitudes of his colleagues toward his course of action if he is physically able to keep up with the boards provided. In harmony with this general system of keeping all responsibility single, there was no war cabinet, and nothing remotely resembling it.

9. The need for coördination with the British side brought about the creation of the Combined Boards to deal with raw materials, food, shipping, and production, as well as military operations. Each board was composed of the active authoritative administrator of each government in the respective special field, so that upon reaching a joint decision the two administrators could part, and each perform his side of the agreed program. While this administrative theory has been adversely affected by the width of the ocean and at times by the personnel assigned to the boards and to their staffs, the device is none the less a major institutional invention, deserving the most careful scrutiny by students of administration.

10. It has been noted that the advance plans for war mobilization were

not used in any extensive way in the developments which ensued. It should be added that these plans were seriously deficient in that they failed to recognize that manpower allocation and control in total war is all-important; that maximum production involves scheduling and other controls far beyond the use of priorities; and that the Roosevelt Administration was determined to continue its social, regional, and international programs as long as those programs fitted into the direct war effort as a method of increasing the national potential. On their social and political side, the prewar mobilization plans were at least non-New Deal; on their administrative side, they tended to strip the presidency of operational-coördinative powers; and at the same time they looked toward mechanisms for dealing with the problems which arose in 1914-18 rather than in 1940-45.

However, every problem envisioned by the prewar planners has been dealt with in this war in some way except for finance coördination. In this area, all plans agreed that a War Finance Administration would be needed, designed to direct and control all fiscal, taxation, monetary, and credit policies in close coördination with price and wage controls. It was the expectation of the mobilization planners that without such an administration the government would face insuperable difficulties. The failure to move in this direction and the fortunate escape (thus far at least) from the predictions of the experts deserve separate analysis.

11. Throughout the whole war period, and in every agency, there was extreme difficulty in developing stable and effective working relationships between planning, programming, and operations. In spurts, brilliant work was done by the planners; but it was resented by the operators, and was at times too far removed from operations to yield returns. Many operations undertaken without sufficiently broad plans or programs led to bad results, and many operators sought to go their own way and to evade accountability, reporting, and coördination as an unjustified interference with their own responsibilities. There was also a tendency for planners to slide over into programming, for programmers to slide over into operations, and for coördinators to slide into impotence or interference, thus giving the operators justification for their desire to be let alone.

12. The auxiliary and managerial agencies certainly proved their worth. The Civil Service Commission made its procedures more flexible and rendered highly useful services under difficult circumstances. The Bureau of the Budget made an extraordinary contribution not only in orderly budgeting, but also in management and organization. The influence of the Director of the Budget was also of great importance in determining the method of approach to priorities, manpower control, foreign economic operations and fiscal policy. Though the Comptroller-General cracked down on a number of loose practices, there is no evidence that he has at any point slowed up the war effort.

13. The rôle of organized groups of citizens in the war organizations deserves extended comment, though a mere mention of the question is all that is appropriate at this point. The trade associations, the National Association of Manufacturers, the United States Chamber of Commerce, and their paid secretaries, were carefully excluded as such from participating in governmental responsibilities, though many influential members became important executives in the military services and in the various war agencies or served on the more than a thousand industry advisory committees set up, especially by the WPB and OPA. The one striking exception was in the petroleum industry, where the government sponsored and used a national Petroleum Industry War Council, the chairman of which was the secretary of the Petroleum Institute, and a series of operating regional committees including the operators of each area. Like organized business in general, organized agriculture was excluded, but certain of its officers were appointed to advisory boards and committees.

Organized labor, however, not only was drawn into many advisory boards and committees, but was asked to furnish two vice-chairmen for staff assignments in the WPB and to fill many other staff and advisory posts in the WPB, OPA, WMC, and the Smaller War Plants Corporation. All these selections, while made by governmental agencies, were in fact organized labor's "own choosing," not from panels, but as the result of conference. Yet, because of the advisory nature of the functions assigned in most cases, labor never felt that it was "on the inside," and often claimed that it was "being given the run around."

Organizations of governmental officials or professionals, like the Council of State Governments, the Mayors' Conference, the American Council on Education, the National Education Association, the American Council of Learned Societies, the National Association of Housing Officials, and the American Public Welfare Association—to mention only a few—played important parts, especially in planning certain activities and in some of the early action programs, but in the last analysis the entire control of these activities was retained by the government. The same is true with reference to welfare and charitable groups, with the exception of the American Red Cross, which is a quasi-governmental body. The organized scientists, though under a similar congressional charter, were not asked to take charge of the Office of Scientific Research and Development, set up in OEM and reporting directly to the President. Thus, except for the special status of labor, organized citizen groups *as such* were given no responsible governmental assignments as integral parts of the war organization.

An important aspect of citizen participation in the war work of the government is found in the volunteer local boards of the Selective Service System and of the OPA, which between them have 263,000 of the 292,000 men and women who are at work for the government without pay.

14. Men, and their personalities and temperaments, profoundly in-

fluenced the developing structure of war organization. The personnel problem is another story and will not be treated here. However, two things should be observed. First, the public as well as the actors were seldom able to distinguish between rising and falling men on the one hand and rising and falling functions on the other, so that many a man appeared to be sent to oblivion when in fact the work he was set to do was eclipsed in the evolution of the war. Second, few notable successes were achieved on the higher policy levels of civilian war administration except by men long in the sphere of public service or directly subordinated to such men. The outstanding exceptions are the cases of Donald Nelson and Chester Bowles.

15. Finally, it should be mentioned that elections and politics, although they had their influence especially on timing, did not play any decisive rôle in the evolution of our war organization. If the 1940 election had come a year earlier, we should probably have moved faster after the war started in September, 1939; but the type of development would probably have been much the same. In a number of cases the President moved in with an executive order as a substitute for, or in anticipation of, congressional action. Rubber and the Surplus War Property Administration are examples. But in most cases the pressure of circumstances, not politics, determined the time and nature of organizational changes.

In two fields, the action of Congress was decisive. In that of price controls, Congress not only drove out Henderson and the professors as administrators, but also refused to furnish support for essential elements of the President's subsidy program. On the tax front, Congress likewise refused to accept the anti-inflation program of the Treasury. Except for the OPA, the only other war agencies created by Congress are the Selective Service System and the Smaller War Plants Corporation. This Corporation, though it came much too late, was designed to, and did, help small plants to get part of the war business both by pressure on the procurement agencies and by credits and technical assistance. Besides declaring war, the only formal war policy decisions of Congress were thus on military service, price controls, and defense of small business. However, the influence of Congress was felt in many other ways, particularly through the investigative activities of the Truman Committee.

VI

Those who examine the wartime record of governmental and business organization will find it easy to criticize the story here unfolded. There are, however, three factors which they should keep in mind: *First*, they should note that the policy of waiting for a demonstrated need before erecting an organization lessens the amount of needless structure, though it does not produce a neat and systematic end product. *Second*, they should

recognize that the best-laid plans on the books were quite inadequate as measured by events and quite impossible in the face of political realities. *Third*, they should see by now that "it worked"—that the war organization of the United States, such as it was, produced a mobilization of total national power and a welding together of world military operations beyond the highest dreams of 1939 or 1940 or the greatest fears of Hitler. Those of us who write recipes should taste this pudding!

VI. THE FUTURE ORGANIZATIONAL PATTERN OF THE EXECUTIVE BRANCH

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I

Our society will emerge from the war with a vast commitment—high-level employment. This aim does not spell a new direction. The last dozen years of American politics indicate that in the context of our society campaigns are fought more over tempo than direction, with additional doctrinal overtones of controversy about the distance ultimately to be traveled. It is a mood favorable to the reconciliation of the values of liberty and organization. Postwar tasks, however, will be assumed under the command of a stupendous expectation. It is tempered by some defeatism about an inevitable depression, but even this defeatism usually takes for granted the necessity of corrective, if not the possibility of preventive, measures.

The task soon to be taken up with such a commitment and such an expectation will be in essence the resumption of the attempt to devise and to administer a complex strategy of incentives. This attempt was the central theme of prewar thinking. The strategy was seen as striking at a limited number of points of crucial governmental influence in a preponderantly private system. The essence of the resumed program will lie less in the novelty of its separate elements than in the unison and energy that may animate them in the coming years.

Quite apart from the dislocations and distortions added by the expansion and contraction of war, the task ahead is of the utmost difficulty. We are caught between our disillusionments about unregulated private enterprise on the one hand and awareness of the hazards of centralized decision on the other. Below the clichés of campaigns and the defensive misrepresentation of particular groups, the resulting distrust is something to be reckoned with. It is shared by thoughtful labor leaders who have participated in wartime controls. Our society is caught in the tenuous balance of an economy wherein we mix the dynamics of private and public invest-

ment and activity. The strains in such an admixture are lessened by an acclimatization of opinion. It would be fatuous, of course, to underestimate the surviving bitterness. But the war has shifted the standards about what society with the aid of government can do.

As has been said, the governmental program is conceived mainly as a strategy of incentives—positive, not punitive. The economy is continuous but refractory; it is sensitive in all of its parts, but it does not respond evenly. Action must take account both of interdependence and of diversity. Action, while it remains multiple, must above all change coherently. On top of the inherent difficulties of a mixed system, the immediate post-war period may present the complication of continuing shortages and risk of price inflation at some points, while unemployment appears at other places in the economy. This is a gigantic challenge to the administrative system. One may begin by asking what the war has brought or taught, apart from the demonstration that under certain conditions our society is already capable of a national income of 150 billions.

II

Actually, the basic administrative pattern of the government as it stood on the eve of war was changed relatively little despite the mass and complexity of wartime operations. New activities poured down channels already determined by the constitutional system; the channels were widened and many side courses opened, but in the main the scheme was not changed.

Four sets of factors limited the amount of institutional change during the war. First, the inherent nature of presidential government conditions both legislative relations and administrative outlines. In its essence, moreover, it is not ill-suited to emergency. Second, the President in office had served for some time and the arrangements had become adapted to his methods of work. There was less adjustment during the war than might have come from an equally vigorous president installed in 1940. Third, especially important was the fact that during the eight years prior to the beginning of defense preparations on a large scale, the politics of the country had been in ferment and the administration had been expanding at what amounted to crisis tempo, but in the face of problems that were seen in long-run perspective. Fourth, it was also important that on the eve of war there had been a period of acutely conscious attention to administrative problems and considerable retooling which culminated in the reorganizations under the legislation of 1939. It is true that the Reorganization Act limited the scope of possible integration by excluding the semi-independent commissions; its declaration that no new "departments" might be created was less binding. The reorganization harvested some of the cumulative prescriptions drawn from the experience and agita-

tion of many years. Especially did the changes of 1939-40 and the institutional developments that followed seek to carry through the logic of presidential government in relation to administration. The application was not complete, but mechanisms of a very specific nature were introduced. The conduct of the war profited by these developments while it quickened their use. As a result of the administrative innovations before 1941, there was less opportunity than might otherwise have been the case for the appearance of strictly novel institutions at the center of the federal government.

The testing strain of war, however, has sharpened the awareness of continuing administrative deficiencies. These must be faced as we resume, soberly but with what may well be renewed confidence, the task before us between 1937 and the outbreak of the war, together with the additional burdens of the war's aftermath.

First, there remains the unsolved problem of top coordination, and of the multiplicative flow to and from the presidency. This condition has been met only in part by the remarkable development of the Bureau of the Budget, while the rest of the Executive Office remains amorphous and undeveloped, and means are lacking to harmonize policy in major fields.

Second, interlocked with this is a nearly inert cabinet which in composition is neither compact nor comprehensive, while its methods are unsuited either for deliberation or for the adjustment of details.

Third, there are many problems of departmental assemblage, some of long standing, some coming from the war, some arising from the developing commitments of the peace.

Fourth, there is the problem of achieving the utmost of a practical decentralization in the face of the centralization of approach required in dealing with economic forces that are nation-wide or world-wide. Involved herein is a new need for coherence of fiscal policy with which must be reconciled both local autonomy and the spirit of functional union that cuts across all levels of government.

Fifth, there is the problem of conducting administration in the context of legislative counsel and criticism on the one hand, and consultation with interested groups on the other. Especially there is the question of demarcation in legislative activities which will permit an organic relationship to administration without the kinds of detailed intervention that would cripple the flexibility or distort the integrity of administration.

Needless to say, the developments invited by these problems can here be considered on the scale of the next few years only.

III

In connection with the multiple character of war organization, one notes that prewar plans for unity were rejected for reasons that were at

least understandable. First, the industrial mobilization schemes drawn under military auspices had assumed an almost immediate shift from peace to war. Actually, we entered this war by degrees, through a corridor of economic aid and defense preparation. There was not the setting for a drastic mobilization of resources under centralized auspices. Second, when pressed to devolve his authority upon one man, presumably an industrialist, a president sensitive to the diversity of the country had some reason to view the demand as an invitation that he abdicate. As the war went on, and as reconversion was approached, something of the original design for handling the economic resources of the country was being realized.

In the early stages of the war, the Office for Emergency Management provided a fiction, but a fiction only, of unified supervision and of relief to the President. The OEM, it may be recalled, was not mentioned until the executive order of September 8, 1939 (No. 8248), which capped its specific references to various other elements in the Executive Office of the President with the vague promise that "in the event of a national emergency, or threat of emergency, such office for emergency management as the President shall determine" would be created. An administrative order of May 25, 1940, referring back to the earlier statement, said that "in pursuance of the foregoing order" the Office for Emergency Management was created, "to be under one of the executive assistants" of the President. The make-up of the OEM was first set forth in an administrative order of January 7, 1941.

The OEM provided a sort of legal peg—being itself a part of the action taken under the Reorganization Act—on which unit after unit could be hung. Such a legal peg was hardly necessary under the conditions of broad legislation based on the war power, nor would the peg have carried much constitutional weight. But at least the OEM and the units placed within it could be treated as an extension of congressional approval. More important was the fact that the establishment of such a catch-all as the OEM conveyed a picture of concerted attention below the level of the presidency. Gesture though it largely remained, the mere existence of the OEM was significant as a response to the charge of headlessness in administration and to the need to resolve administrative relationships somewhere short of the President himself. In actual practice, of course, the OEM did not provide a subsidiary focus.

The enriched Bureau of the Budget has been the substance of the Executive Office of the President. Its rising institutional significance is reflected in its growth. The Bureau has become a highly complex, continuously active staff for over-all management. As the National Resources Planning Board and the Office of Government Reports were dropped from the Executive Office, the relative importance of the Bureau as the embodiment of the presidency in administration increased.

The Bureau's enlarged scale and more constructive functions have brought problems of internal structure. When the Bureau was largely occupied with estimates, the staff assignments were generally to agencies or groups of agencies. Since 1939, there have been five divisions: Estimates, Administrative Management, Fiscal, Legislative Reference, and Statistical Standards. But it is not easy to hold the divisions apart. Personnel from the various divisions tend to assemble in working parties. These may involve the assignment of staff members to handle all phases of certain subjects which ramify through the whole government, or at least are found in many departments.

Looking to the future of the Bureau of the Budget, a mixture of the several elements of organization seems inevitable, with emphasis heavily upon action through combined working parties assigned to groups of agencies or functions, while the still vigorous divisions serve in a staff capacity. The working parties must frequently include persons from management planning in the operating departments. Such fusion is wholesome; it has limits, of course. Survey by triangulation is often valuable; independence has its uses. Fundamentally, however, the Bureau has been a decentralizing force in the development of administrative planning organs throughout the government.

Such organs have become a commonplace. They have luxuriated in the quick, rank growth of the heavily procedural war agencies. The reactions have not all been favorable; in places there is cynicism. But the net gains seem substantial; the survival of administrative planning is assured. And there is every reason to believe that some of the best results in the future will be accomplished by agency groups which will link the agency's own administrative planning, budget, and personnel services, and will also include staff members from the Bureau of the Budget.

The exercise of continuing controls fortifies the type of planning rôle that the Bureau has modestly essayed and will doubtless avow. It is linked to the emphasis upon fiscal policy as the meeting ground of long-range planning and the year-by-year conduct of government. The Fiscal Division of the Bureau of the Budget is the nucleus of a planning staff. Its influence as a planning organ is strengthened by its proximity to operations and its participation in the appropriating process. It can grow in the protection of fiscal routines.

These advantages, among others, it holds over the type of organ illustrated in the National Resources Planning Board. Even with the further development of the sort of planning exemplified by the Fiscal Division, however, it remains to be seen whether long-range studies which describe desirable objectives can be conducted in the absence of something like the former National Resources Planning Board—in addition to the facilities of the Budget Bureau on the one hand and the research facilities of per-

manent operating agencies or of temporary commissions of inquiry on the other hand.

During the war the internal administration of the expanding Bureau of the Budget was handicapped by the extent to which its highest officials were personally engrossed in contacts and negotiations of an extremely pressing and delicate nature. The Bureau's institutional rôle, moreover, was partly undercut, especially in the middle stages of the war, by the activities of various presidential advisers and of associates such as the Director of War Mobilization.

IV

The presidential staff is not yet sufficiently crystallized. Allowance is made for the fact that the situation will always be personal and will vary from president to president, and even from month to month. Yet there seems need for further staff definition as a basis for continuous program coördination.

Possible developments in the President's staff are several, differing in emphasis. It is clear that much program coördination is taken on by the Bureau of the Budget and its director. So far as the other aides to the President are given fixed assignments, will the categories be processes, like legislative contacts, or will they be broad subject-matter fields? The further problem is whether subject-matter aides developed around the President should be staff assistants only or should become in effect the heads of superdepartmental domains, known as such by the public and exercising supervisory and directive powers in their own right. The latter possibility, especially, affects the future of the cabinet and of the departmental system.

One of the most interesting developments in war administration was the appearance of officials who, under statute or by executive order, had directive powers within broad fields. There were hints of this in the jurisdiction given to the heads of the War Production Board and the War Manpower Commission. Even more in point were some later developments in the war organization. The idea of coördinating power injected above the level of operating agencies appeared specifically in the executive order of October 3, 1942 (No. 9250), which, pursuant to the "anti-inflation act" approved on the preceding day, created the Office of Economic Stabilization under a director.

The principle embodied in this order was carried further in the creation by executive order of May 27, 1943 (No. 9342) of the Office of War Mobilization, under the roof of which the Office of Economic Stabilization was put without essential change of its powers. The Director of War Mobilization was "to unify the activities of the federal agencies and departments engaged in or concerned with production, procurement, distribution, or

transportation of military or civilian supplies, materials, or products, and to resolve or determine controversies between such agencies or departments, except those to be resolved by the Director of Economic Stabilization. . . ." To this end, the Director of War Mobilization was empowered "to issue such directives on policy or operations to the federal agencies and departments as may be necessary to carry out the programs developed, the policies established, and the decisions made under this order. It shall be the duty of all such agencies and departments to execute these directives, and to make to the Office of War Mobilization such progress reports as may be required."

Still more significant was the application of analogous ideas of superintendency in the reconversion legislation signed October 3, 1944 (78th Cong., 2d Sess., Public 458, S. 2051). Within this statutory "office" are placed three agencies chiefly concerned with demobilization—the Office of Contract Settlement, the Surplus War Property Administration, and the Retraining and Reemployment Administration. These, in the words of the law, "shall exercise their functions subject to the general supervision of the director." The director's supervisory rôle is not confined to the three units. For purposes of general coördination, he is empowered to "formulate . . . plans" and to "issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with the plans formulated under this section or to coördinate the activities of executive agencies with respect to the problems arising out of the transition from war to peace."

The statute declares that "each executive agency shall carry out the orders and regulations of the director expeditiously and, to the extent necessary to carry out such orders and regulations, shall modify its operations and procedures and issue regulations with respect thereto." It is assumed that the various agencies will be encouraged to develop appropriate plans. The director is authorized to "settle controversies between executive agencies in the development and administration of such plans." In summary, the director is the head of what amounts to a compound super-department of three branches. In addition, he is commissioned as a sort of functional foreman through the whole range of national administration, and as such is empowered from the standpoint of his objective to exercise "general supervision and direction of the activities of all existing executive agencies (except the Veterans Administration. . . .)" It is doubtful whether the act is adequate or the final effort of Congress to deal with reconversion. But at least the quoted clauses are sufficiently indicative of a trend to serve as the basis for speculation about a possible major development in the administrative pattern.

It is not pretended that the foregoing instances are models. It is evident that they contain several elements: the rôle of personal adviser to

the President; the rôle of adjuster within a very broad field, extending indeed to the whole of national administration where it impinges upon a given set of activities and relationships; and the rôle of supervisor of a particular complex of agencies. There are momentous differences between them. What has been spoken of as one development is not necessarily one thing, although the combination of elements may prove to be of especial value. Careful discrimination will be needed in both future evaluation and application.

The outlines of possible future uses are apparent in the mere statement of the problems of top coördination and the wartime instances just mentioned. One can envisage a new type of department overseer, assigned to a broad domain of policy, equipped with a compact staff, and exercising his influence partly as high adviser and partly as negotiator, and also as the source of coördinating suggestions, directives, and decisions.

Experience thus far has hardly been conclusive. Admittedly there are serious objections. Apart from certain disillusionments attached to Mr. Byrnes' methods and results, it can be argued that the responsibility of department heads should be as solid as possible and should not be vitiated by arrangements that permit appeals to be taken above them. It can be argued that no one should stand between the heads of operating departments and the opportunity for direct contact with the President. In this connection it can be said that the span of control must be seen in terms of a third dimension—the number of contacts necessary; and that, with a sufficient degree of departmental amalgamation in the future, the need for coördination can be filled by department heads with definite powers at the one end and a flexible presidential staff at the other.

But desirable as is the utmost amalgamation possible, it is hard to see how the needs can be met without taking account of widely ramified relationships which seem to lie beyond the reach of the departmental system as we have known it. Even departmental groupage may require a looser arrangement; and there are some problems that call for direction through the whole range of administration. It is too early to set down what the domains of super-departmental or over-all functional guidance may be after the war. Our foreign affairs necessitate a concept broader than even an enlarged Department of State can supply, and the Secretary of State is one likely point of major focus. Fiscal policy, including the timing of the varied developments that are involved in a moving strategy of economic stimulation and balance, offers a further theme.

Certainly the government cannot pursue its flexible, essentially accommodating rôle in a mixed economy without attending to the still unsettled problem of coördination at the center. The affairs that crowd the presidency cannot be allowed to remain atomized or congested in a mass. And the arrangements that improve coördination may strengthen the utility of the cabinet.

V

Of the cabinet in the war, little has been revealed. Its rôle has doubtless been typical. The cabinet has long since ceased to be inclusive of the major controls of the government; much of this, of course, stems from the tendency to vest economic direction in semi-independent commissions. During war, the regular cabinet has been even less inclusive. President Roosevelt did not emulate Wilson's war cabinet of three regular members and six defense commissars which met alternately to the ordinary cabinet. In the present war, however, besides the Federal Security Administrator (who was also Manpower chief), the Federal Works Administrator, and the head of the National Housing Agency, the directors of War Mobilization and Economic Stabilization and some heads of defense establishments like the War Production Board have sometimes attended cabinet sessions.

The cabinet has not been important in peace or war as an instrument of counsel on policy or of concert in administration. Cabinets in the United States remain what presidents make them. President Roosevelt could be relied on to make even unplanned sessions interesting. But the full vitality of a realized institutional rôle has been lacking. Some members of the cabinet, apparently, have thought certain matters too confidential to take there. As for the ironing out of details, the President is said to have learned that cabinet meetings are embarrassing and ineffective arenas for the handling of disputes between two or more agencies.

Improvement of the cabinet may be projected in two directions. Procedurally, the developing presidential secretariat might prepare agenda and otherwise service carefully planned meetings. In membership, the cabinet might well become both smaller and larger, being in effect a double body. On the one hand, an inner and active cabinet might consist especially of the chief policy coordinators whose possible rise has been discussed earlier. On the other hand, the cabinet as a whole might be expanded to embrace the heads of all of the great operating departments. The number of these might increase to a score, for few believe that departments of this sort can be held to the dozen recommended in 1937.

The rôle of frequent meetings and discussion would belong mainly to the inner, closely knit group concerned with major domains of policy. The meetings of the whole group would be relatively infrequent, but always prepared very deliberately around a suitable focus. Especially might such meetings be important as a means of communicating fresh impulses and a sense of direction in times of developing or shifting policies. Meanwhile the larger group would act fractionally in the sense that collations of its members would serve as committees on matters of particular interest to various departments. Some of the most persistent and active of such assemblages might head up in members of the inner cabinet. Considerable interlocking of secretariats might be useful in servicing the system as a whole.

VI

This leads to the assignment of operating responsibilities among departments, existing or to be created. No amount of coördination, however strengthened by new facilities around the presidency and the cabinet, can offset the need for the sort of cohesion that is secured by organic operating combinations. The departmental allocation needs fresh and continuous scrutiny and readjustment. Even before the lapse—six months after the emergency—of the reorganizing power given to the President by the first War Powers Act, there should be a renewal of a flexible provision, for which the Reorganization Act of 1939 might stand as a model. It should be remembered that the recombinations under the wartime act dissolve with the act itself. Meanwhile the Bureau of the Budget has begun to give new emphasis to a fundamental canvass of possible departmental developments and adjustments. The choice of solutions among conflicting considerations must wait on close and realistic inquiry.

In each period, distinctive forces, after manifesting themselves sporadically, appear as movements for new departmental aggregations. The years after World War I were marked by several main efforts. One concerned the unification of the defense departments. Its motivation then rested in considerable measure on the desire to recognize air power by securing it equality in a tripartite department. Another pressure concerned public works. Its support came notably from the engineering societies; the motivation for administrative unity revolved largely around the techniques involved. Still another movement concerned fuller recognition of the national government's rising stake in welfare.

Defense unification was turned down in 1924; the other two movements were largely realized in changes that followed the Reorganization Act of 1939. At the present time, fiscal policy as a positive and flexible instrument in relation to production and employment seems outstanding as a motivating theme in reorganization. Paradoxically, this very emphasis seems likely to render obsolete as entities both the Federal Loan Agency and the Federal Works Agency, to the advantage of more functional combinations.

The internal organization and relations of the fields of labor and social security are receiving active scrutiny. Labor's stake in a department of that name, apart from other considerations, probably precludes a general amalgamation of the two elements. The same factor of group alignment complicates the assemblage of labor relations machinery unless a new type of subject-matter coördination is invented. There seem to be conclusive reasons for keeping the Employment Service close to unemployment insurance. Possibly both should be shifted to the Labor Department, while the other forms of social insurance—including their extension to health—remain in a strengthened security agency.

This leads to the future of public works; and over this question, as over

organization for loans and for housing, hang mighty issues of positive employment strategy and tactics. Engineering as engineering loses its place as a focus. Granted effective coordination through all parts of the government—and unless this can be achieved the future is indeed dubious—activities such as housing may well be functionalized, perpetuating the National Housing Agency. The case for a department concerned with “urban development” is attractive but less convincing than the claim of the maturing housing complex, to which future aid in urban land acquisition may be assimilated.

This does not mean that the idea of an entity like Public Works will disappear. Rather, joined with parts of the former Loan Agency and new corporate instrumentalities, a large, loosely joined “department of development” may be envisaged. Herein would be based planning, financial aid, coordination, and some construction facilities for various multi-purpose activities, like river-basin development, rural electrification, and a significant miscellany of regionalized or local projects undertaken under long-run, flexible plans geared currently to a calculated fiscal policy. Nor would a “department of development” preclude the extension of the idea so brilliantly demonstrated by the Tennessee Valley Authority in its war-time expansion. But, as other regional projects begin to impinge on each other and at the same time bulk largely enough to be significant factors in the flow of national capital investment, some coordinating overlay seems necessary.

The possibility of gathering transportation aids and controls in a flexible departmental frame raises questions about the future of the Department of Commerce. This suggestion involves the complication of the vaguely traditionalized vocational affiliation which Commerce shares with the Departments of Labor and Agriculture. Such affiliation reacts upon the content that can be given to these departments, especially in regulatory action. The future of the semi-independent commissions in relation to the departmental hierarchy is tied up with this matter. But the disposition of the commissions hinges mainly on another set of considerations. How far the connection of the commissions with the departmental system may seem desirable is likely to depend largely upon the degree to which our society will desire to conduct economic regulation as something more than deliberately insulated bits of compulsory arbitration applied to points of especial strain among conflicting groups. Certainly, if a more deliberately interlocked policy should gain support, we shall have to devise forms of departmental structure which will encompass the hitherto autonomous organs of economic adjustment.

The case for amalgamation of the defense departments has recently been fortified by the practice of amphibious warfare, the success of unified theatre command, and the institutional developments around the joint

and combined chiefs of staff. Amalgamation is challenged, of course, by such factors as the Navy's focus of attention in fleets at sea and the question whether the Navy could have achieved its high morale and standards in a unified department. But the case for union grows stronger. The future involvements of strategy and logistics, if nothing else, seem to dictate at least the survival of strong organization around the joint chiefs of staff and preferably a further degree of unity.

On the international side, there is little doubt that the interests of the Department of State must be enriched. Such growth includes not only economic but also informational activities in the broadest sense. Administratively, the issues largely concern the extent to which operations are to be absorbed into the Department itself. This turns in part on the political question of the future magnitude of government's direct participation in international economic matters. If the government's rôle is incessant and heavy, beset by managerial details, a number of activities are likely to survive indefinitely outside the Department of State, subject to its general direction. Certainly, whatever the arrangement, it is the task of the Department of State to learn how to run ahead of events, to fix the frame of action, to lead positively and not by eking out piecemeal approval for items proposed by other agencies.

The foregoing fragmentary review has hardly begun to raise the conflicting desiderata that beset all questions of organization. To think of them at all is to summon the sense of relativity that is at the heart of what are called principles of public administration. The problems themselves require patient descriptive inquiry to precede decisive action.

VII

Through all this the need for decentralization is ever more insistent. The field structures of national agencies raise far-reaching problems in the quest for flexibility and local accommodation. Especially baffling is the question of the degree of geographical decentralization possible in dealing with economic matters. The experience of agencies like the War Production Board and the Office of Price Administration have reminded us of the limits of such decentralization while revealing some of its possibilities. A government which approaches economic matters in the setting of a competitive economy must be sufficiently centralized to respect the non-geographical categories of commodities and industries. But it has been possible, within frameworks of policy directives, to vest field offices with more than duties of informational or of enforcement character; a limited but important range of interstitial decisions has been devolved.

Suggestive, too, as both encouragement and warning, has been the war-time development of field areas. It has long been apparent how stubbornly and with what strong reasons each activity tends to engender its own geo-

graphical pattern. It has also been evident that common areas, and particularly common headquarters cities, would help greatly in the harmonizing of related activities, especially if there could be a generous and substantially uniform degree of decentralization of discretion among the several agencies. Results during the war were halting and spotty. But enough was done by the main war agencies to suggest that it may be possible to standardize regional supervisory centers for a wide range of activities, while their operating areas vary with their distinctive needs. The aim must be coördination, not economy.

In federal relations with states and localities, it is evident that coöperation along the pattern of functional union will remain the tendency of the social service state as well as in policing activities. But the familiar, highly segmented scheme of national-state—and more recently national-city—collaboration is confronted with a dual need. Already the mass of federal aid has grown to a point that renders necessary its reorientation in financial rather than merely administrative terms, including the invention of conditions and of formulae of allocation which are suited to the purposes of equalization. Beyond this, the objective of high-level employment in the face of economic fluctuations seems to require that state-local fiscal policy shall be rationally related to the national policy. Here lies an emergent problem of the first magnitude.

INTERNATIONAL AFFAIRS

WEIGHTING OF VOTES IN AN INTERNATIONAL ASSEMBLY

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All the plans for future world organization, whether they envisage a world government or are limited to providing agencies for better collaboration between the peoples of the world, are built around two main conceptions—a small council and a larger assembly. But the different plans disagree widely upon the powers and the make-up of these bodies. The purpose of the present article is to analyze the difficulties relating to the structure of the larger body, the assembly, and to outline a tentative method for surmounting them.¹

The structure of the different international organizations existing in the past was based on two principles: equality of representation and unanimity. That meant, first of all, that in the assemblies of nations the United States of America (population, 131 million) and Luxemburg (population, 300 thousand) had the right of equal representation. For instance, in the Conferences of the International Labor Organization, both countries have been equally entitled to appoint four delegates. Secondly, when an international assembly has tried to arrive at a decision, not only the largest but also the smallest country could block such a decision by casting a negative vote. While sometimes a little country has been forcibly persuaded to abandon its opposition, in many instances small countries have been able to frustrate the efforts of international assemblies and conferences otherwise unanimous.

International lawyers point with pride to the few cases in which the unanimity rule has been abandoned or circumvented. In a few other cases—mostly involving international commodity arrangements—the votes of different countries have been weighted by their respective production and the decisions made by majority of votes thus weighted.²

(On the other hand, whenever the question of paying the expenses of an international organization is raised, the different champions of state equality show much less, if any, insistence on equality of contributions.) The larger the expenses, the greater the insistence that they be graduated

¹ For an excellent discussion of the different proposals relating to the powers to be conferred upon an international assembly, see H. Wehberg, "Die Organisation der Staatengemeinschaft nach dem Kriege; Das Problem der wahren Repräsentation der Völker," in *Die Friedenswarte* (Zürich, 1944), Vol. 44, pp. 49-74.

² See C. A. Riches, *Majority Rule in International Organization* (Baltimore, 1940), pp. 245-290.

according to the size and economic power of the countries. Though the Latin American Republics are eager to fight for equality of state representation at international conferences of American Republics, they did not hesitate to adopt a scale based on population for paying the expenses of the Pan American Union; while everybody has an equal vote, the United States is paying more than half of the expenses of that Union.

This situation has led to suggestions that voting power in an international assembly be based on financial contributions to the budget of the international organization, and this is the practice of the International Institute of Agriculture and of the International Office of Public Health.³ If the amount of each country's contribution were determined by that country alone, this suggestion would place an emphasis upon wealth and might enlarge the gulf of envy between the poor and the rich countries. If the contributions were determined on some objective basis, the suggestion would be tantamount to saying that both the contributions and the voting should be determined upon the same objective basis. The creation of such a link between representation and taxation is desirable, as some countries will be more hesitant to clamor for additional votes if they know that they will have to pay for them. On the other hand, yearly contributions might have to be adjusted to such unforeseeable occurrences as floods, droughts, or earthquakes, while it seems improper to curtail a country's voting power on any of these grounds. Therefore, it would be safer to separate the questions of voting and contributions, although parallel lines of approach might be developed to cope with the two.

If one attempts to devise a generally acceptable system of vote-weighting, the first obstacle to surmount will be the insistence in some quarters upon the employment of a single factor for the sake of simplicity. The differences between the countries of the world are so great that any isolated factor would create a false picture, both by concentrating the voting power in a few hands in a way inconsistent with the existing distribution of power in the world, and by creating in many cases invidious distinctions between countries, entirely unwarranted by the rôle they respectively play in world affairs. If we try to weight the voting by population, we discover that such weighting would give to just two countries—China and India—over one-third of the total vote, and Nepal would have a vote twice as large as Norway and three times larger than Uruguay. If we accept production as our criterion, over half of the votes will go to the United States and the Soviet Union. On the other hand, weighting of votes by the volume of international trade of a country will give the greatest number of votes to Great Britain, the Soviet Union having less than one-tenth of the vote assigned to that state.

It might be easier to arrive at a more adjusted system if all three ele-

³ *Ibid.*, pp. 250-252.

ments mentioned—population, production, and trade—were taken into account. But then arises the question of how these elements, so different in character, can be compared. One thing seems certain, namely, that in a democratic world the value attached to the human factor should exceed the value given to other factors. On the other hand, the contributions of different countries to the world's production and trade are in a way a measure of present achievements of the nations which live in these countries, and thus help to translate crude population figures into figures of that population's activity and diligence. It might be sufficient, therefore, to ascribe to the population factor a value equal to that of the other two factors combined. If equal value is then given to the factors of population and trade, the value of the population factor will be twice that of production or trade taken separately.

We might start by assigning to the countries having the highest production or trade ten units of voting power, while giving to the countries with smallest production or trade one unit. By doubling the allotment for the population factor, we might assign to the country with largest population twenty units of voting power, while that with smallest population will have two units. Thus the country falling in all top categories might obtain forty units, while the smallest one would have at least four units. While actual discrepancies between countries are often hundred-fold rather than ten-fold, it must be remembered that the proposed system is supposed to take the place of a system in which all the countries were accustomed to equal representation. The smaller countries will not be willing to accept a system in which their votes will be a hundred times smaller than those of the big powers; but they might accept a system in which the scale is much less discriminatory.

The next question is, How assign the countries to different voting classes within each category. As the differences between countries have to be toned down to take account of their susceptibilities, it might be necessary to adopt the system of geometric progression rather than one of equal distribution. If the latter system were adopted, China with 450 million inhabitants would rate twenty on the population scale, while Great Britain, with 48 millions, would be entitled only to two voting units. On a geometric progression scale, China would retain twenty voting units, but Great Britain would obtain fourteen units instead of two.

If the principle of geometric progression is adopted, the scales shown in the table at the top of the next page might serve as the basis for allotting units of voting power. The highest unit in each group has been adjusted in such a way as to cover the country or countries which are most outstanding in each group. In the population group, China (450) and India (382) provide the yardstick, as no country's population exceeds 512 millions. In the production group, the United States (45,500) and the Soviet Union (29,000)

are the top ranking countries. In the trade group, the lead belongs to Great Britain (7,390) and the United States (6,300).

POPULATION		PRODUCTION		TRADE	
Millions of inhabitants	Voting units	Value in millions of dollars	Voting units	Value in millions of dollars	Voting units
under 1	2	under 100	1	under 20	1
1 and over	4	100 and over	2	20 and over	2
2 " "	6	200 " "	3	40 " "	3
4 " "	8	400 " "	4	80 " "	4
8 " "	10	800 " "	5	160 " "	5
16 " "	12	1600 " "	6	320 " "	6
32 " "	14	3200 " "	7	640 " "	7
64 " "	16	6400 " "	8	1280 " "	8
128 " "	18	12800 " "	9	2560 " "	9
256 " "	20	25600 " "	10	5120 " "	10

The categories proposed are based upon pre-war statistics and might need to be readjusted when new statistics are available. But adequate statistics might not be available for quite a long time, and, if there is a strong desire to establish an international assembly, the pre-war statistics will have to serve as the basis, at least temporarily. In any case, the pre-war statistics provide us with an adequate starting point for discussing the technical questions involved in the problem of weighting votes. The applicable principles will remain the same, even if some categories will have to be changed from time to time. Thus, if the value of some countries' production reaches over 51 billions, the voting power of ten units will have to be ascribed to this new category, and each of the other categories will move one point down the line, losing one voting unit each, while the two lowest categories will have to be combined into one category ("under 200").

Once the principle of using temporarily the pre-war statistics is accepted, the next problem is to assemble the necessary data. The population figures best suited for comparison are the yearly estimates of the League of Nations' Economic, Financial, and Transit Department. The latest general estimate available is that for December, 1939, and it might be taken as the basis for assigning the countries of the world to the different classes of voting power.⁴ With respect to production and trade, the year 1937 may be taken for a basis, as the world's production and trade were in that year higher than in any other year since the Great Depression. The alternative would be to resort to data for 1929, the year of the highest economic activity in the period between the two wars. Significant changes have occurred, however, since then in the economy of a number of coun-

⁴ League of Nations, *Statistical Year-Book, 1941/1942*, pp. 12-22.

tries, notably of the Soviet Union and of some Latin American and Asiatic countries, and the economic picture of the pre-war world was in consequence quite different from that of 1929.

Once the basic year is determined, the question arises: How compare the different data of production and trade available for the different countries. The criterion of the weight of the different commodities used in most statistics will have to be rejected, as one cannot allot the same importance to a ton of wheat and a ton of steel. By substituting for it, however, the criterion of value, we might achieve a better comparability of the different data. With respect to trade, such data might be obtained from the League of Nations publications relating to the world's trade.⁵ No general and uniform value estimates are, however, available with respect to the production of the different countries. In this case, it will be necessary to follow the tortuous way of estimating the production of each country by multiplying the quantity of each commodity produced by a particular country in 1937 by a representative world price of that commodity in that year. By adding the totals for each country, we shall obtain a fair estimate of that country's production of agricultural and other primary products. The totals thus obtained might differ slightly from the totals of national production available for some countries, as the latter are usually based on national rather than world prices. The statistics collected by the International Institute of Agriculture and by the economic staff of the League of Nations indicate both the quantities produced by the different countries and the principal world prices.⁶ No such data are available, however, in the field of manufacture. Most of the industrial statistics are misleading, as they refer only to the final value of the product, thus including both the value of the raw materials used and the value added to the raw materials during the process of manufacturing. Only the latter value can be considered as the net value of the industrial production, but it can be directly ascertained just in a few countries. In consequence, it is necessary to resort to a rather indirect method of estimating the value of industrial production of individual countries. The method adopted might follow the one which serves as the basis of the League of Nations world index of industrial production. A careful study made by the League with respect to industrial production in the years from 1925 to 1929 enabled it to ascertain the distribution of industrial production among the twenty-four countries responsible for about 90 per cent of the world's industrial

⁵ League of Nations, *Review of World Trade, 1937 and 1938*. See also League of Nations, *International Trade Statistics, 1937 and 1938*; *idem*, *The Network of World Trade* (1942).

⁶ *International Year-Book of Agricultural Statistics, 1937 and 1938*; League of Nations, *Statistical Year-Book, 1927/1938 to 1941/1942*; *idem*, *Raw Materials and Foodstuffs, 1935 and 1938*.

output.⁷ By following the League's method, the remaining 10 per cent may be distributed among other countries more or less equitably. When this is done, the 1925-29 percentages may be translated into 1937 percentages by means of the national indices of industrial production adjusted yearly by the League according to a uniform system assuring their comparability.⁸ We shall find, for instance, that the United States was responsible in the 1925-29 period for 41 per cent of the world's net industrial output, but that in 1937 its net output represented only about 29 per cent of the world's total. On the other hand, the Soviet Union's share increased during the same period from 5 to 20 per cent of the world's output, and was mostly responsible for the 20 per cent increase in the general index of industrial production. By using the available figures of the value added by industrial production in the United States (over 25 billions)⁹ as a basis for estimating the world's total, the percentage estimates of other countries can be translated into value estimates.

With the help of the here outlined method, two tables have been constructed (see below), one for independent countries and one for countries now in a state of dependency. Both tables contain data relating to population, production, and trade of the different countries of the world. The data for production are based upon statistics for ninety commodities (foodstuffs, minerals, and fuels), to which data relating to industrial production obtained by the indirect method have been added. With respect to population and trade, the tables follow quite closely the statistical summaries of the League of Nations, with small additions here and there.

Table A summarizes the data for all countries which before the war enjoyed a large measure of independence. Besides the countries the complete independence of which is generally recognized, the table includes all British Dominions which were separate members of the League of Nations, as well as Newfoundland and Southern Rhodesia, which are on the verge of achieving a similar degree of self-government. Iceland, Korea, the Philippines, and Syria and Lebanon are the other countries which were included in the list, due to steps taken during the war to endow them with complete independence.

The inclusion of Estonia, Lithuania, and Latvia might seem unjustified in some quarters, and for that reason brackets have been put around them. If, as a result of post-war arrangements, they become a part of the Soviet Union, the Union's vote will have to be increased by one unit, from 34 to 35. The data for China include Formosa, Kwantung, and Manchuria, the areas to be restored to China according to the recent Cairo Declaration. With respect to all countries the boundaries of which were changed

⁷ League of Nations, *World Production and Prices, 1935/1936*, p. 22.

⁸ League of Nations, *World Production and Prices, 1938/1939*, p. 39.

⁹ *Statistical Abstract of the United States, 1942*, p. 885.

TABLE A: VOTING POWER OF INDEPENDENT COUNTRIES

Name of Country	Population		Production		Trade		Total Voting Power
	Millions of Inhabitants	Voting Units	Millions of Dollars	Voting Units	Millions of Dollars	Voting Units	
United States	131.4	18	45,500	10	6,300	10	38
India	382	20	7,500	8	1,358	8	36
China	450	20	7,700	8	1,112	7	35
Soviet Union	172 (190)	18	29,000 (30,000)	10	581 (808)	6 (7)	34 (35)
Germany	69.3	16	17,500	9	4,590	9	34
United Kingdom (Great Britain)	47.9	14	11,200	8	7,390	10	32
France	42	14	10,500	8	2,651	9	31
Japan	72.5	16	5,300	7	1,980	8	31
Italy	43.9	14	6,500	8	1,280	8	30
Brazil	40.9	14	2,300	6	685	7	27
Poland	35	14	3,300	7	465	6	27
Canada	11.4	10	4,300	7	1,942	8	25
Belgium	8.4	10	2,500	6	1,697	8	24
Netherlands	8.8	10	1,800	6	1,482	8	24
Rumania	20	12	1,900	6	370	6	24
Argentina	18.1	10	2,600	6	1,240	7	23
Czechoslovakia	15.2	10	2,500	6	800	7	23
Mexico	19.4	12	1,200	5	417	6	23
Union of South Africa	10.3	10	1,500	6	1,140	7	23
Spain	26	12	2,000	6	288	5	23
Egypt	16.7	12	400	4	384	6	22
Korea	24.1	12	600	4	434	6	22
Turkey	17.6	12	900	5	201	5	22
Australia	7	8	2,800	6	1,095	7	21
Sweden	6.3	8	2,100	6	1,043	7	21
Hungary	9.3	10	970	5	314	5	20
Philippines	16.3	12	370	3	274	5	20
Switzerland	4.2	8	1,400	5	708	7	20
Yugoslavia	15.7	10	1,200	5	262	5	20
Austria	6.7	8	1,100	5	500	6	19
Colombia	9	10	450	4	196	5	19
Denmark	3.8	6	1,600	6	701	7	19
Cuba	4.3	8	640	4	327	6	18
Iran	15	10	370	3	241	5	18
Thailand	15.6	10	400	4	120	4	18
Chile	4.9	8	740	4	283	5	17
Finland	3.7	6	1,000	5	405	6	17
Greece	7.2	8	600	4	223	5	17
Norway	2.9	6	800	5	518	6	17
Bulgaria	6.3	8	500	4	122	4	16
Ireland	2.9	6	640	4	325	6	16
Portugal	7.6	8	640	4	159	4	16
New Zealand	1.6	4	1,200	5	494	6	15
Peru	7	8	370	3	152	4	15
Venezuela	3.6	6	470	4	313	5	15
Uruguay	2.1	6	600	4	140	4	14
(Latvia)	2	6	600	4	97	4	14
Iraq	3.7	6	150	2	80	4	12
(Lithuania)	2.4	6	270	3	71	3	12
Bolivia	3.4	6	150	2	59	3	11
Syria & Lebanon	3.7	6	100	2	59	3	11
Afghanistan	7	8	20	1	8	1	10
(Estonia)	1.1	4	270	3	59	3	10
Ethiopia	5.5	8	20	1	8	1	10

TABLE A: VOTING POWER OF INDEPENDENT COUNTRIES—*Continued*

<i>Name of Country</i>	<i>Population</i>		<i>Production</i>		<i>Trade</i>		<i>Total Voting Power</i>
	<i>Millions of Inhabitants</i>	<i>Voting Units</i>	<i>Millions of Dollars</i>	<i>Voting Units</i>	<i>Millions of Dollars</i>	<i>Voting Units</i>	
Nepal	5.6	8	20	1	8	1	10
Saudi Arabia	4.6	8	20	1	5	1	10
Ecuador	3	6	30	1	25	2	9
Guatemala	3.3	6	60	1	37	2	9
Southern Rhodesia	1.4	4	80	1	90	4	9
Dominican Republic	1.7	4	110	2	31	2	8
Haiti	2.6	6	20	1	17	1	8
Liberia	2.6	6	20	1	8	1	8
Luxemburg	0.3	2	150	2	92	4	8
Yemen	3	6	20	1	4	1	8
Honduras	1.1	4	20	1	22	2	7
El Salvador	1.7	4	50	1	22	2	7
Albania	1.1	4	20	1	10	1	6
Newfoundland	0.3	2	60	1	64	3	6
Costa Rica	0.6	2	20	1	22	2	5
Iceland	0.12	2	20	1	25	2	5
Nicaragua	0.9	2	60	2	12	1	5
Panama	0.6	2	30	1	25	2	5
Paraguay	0.97	2	20	1	17	1	4

by the aggressor nations, the data relating to their pre-aggression territory are given. The changes in the boundaries of different European countries which might result from this war, and the necessary adjustments of data and of voting power, might have to be made at the last moment. In most cases, the probable changes will not exceed one or two votes, and it might be better to make these changes only at the end of the reconstruction period, say in five years.

When the question of the United States' accession to the League of Nations was debated in 1920, the Senate wanted to reserve to the United States a number of votes in the League's Assembly equal to that of the British Empire (7).¹⁰ It is possible that a similar demand will be made when the question of voting in the new assembly is under consideration. While it may be argued that the proposed allocation of votes favors the British Commonwealth as a whole, it must be remembered that Great Britain can seldom count upon the Dominions rallying unanimously on her side. Even in time of war, one of them did not hesitate to proclaim its neutrality, and much more divergence can be expected in times of peace. But if the United States insists upon equality, not with Great Britain but with the British Commonwealth, two solutions are possible. First, the vote of the Commonwealth may be decreased to 40, the maximum vote for an individual country, the votes within that total being divided among the members of the Commonwealth in proportion to the

¹⁰ *Amer. Jour. of Internat. Law* (1920), pp. 201-202.

votes to which they otherwise would be entitled. Secondly, and more probably, the vote of the United States could be increased to 183, the total of the votes of the members of the Commonwealth. In that case, other states, for instance China, might raise additional claims and demand considerable increase of their voting power. It might be more reasonable, therefore, to stick to the here proposed allotment of votes and to hope that the actual divergence of interests among the members of the Commonwealth will prevent their banding together into a voting block more solid than other blocks based merely on passing similarity of interest.

A problem of a similar character will arise if the Soviet Union asks for separate votes for all the Republics of the Union. While the largest of them, the Russian Federated Republic, might not be entitled to more than 31 votes, all of them together might have a claim to 135 votes. If the territorial gains of 1939 and 1940 are kept by the Union, the total might increase to 186. This development would put the Soviet Union on equal footing with the British Commonwealth, and it is quite probable that the members of the Union will after a while develop centrifugal tendencies similar to those of the members of the Commonwealth. But if the Soviet Union makes such a claim for special representation of its Republics, the difficulties with respect to United States representation in the Assembly might prove almost insurmountable. While the United States', and probably also China's, demand for equal representation with the two other members of the leading group of powers might seem justifiable on grounds of prestige, the British and Soviet governments might point out that the apparent inequality could be easily remedied if the United States and China were willing to follow them on the road to decentralization. If a system could be devised to transfer the right of representation, in whole or in part, from the national government to the states of the United States and to the provinces of China, a solution satisfactory to all concerned might result. Otherwise, any scheme for an international assembly—even a scheme based on the old system of each country having one representative only—might be wrecked, either by the insistence of some countries on equality with federations or by the insistence of the federated countries upon the representation of their component parts.

A difficulty might arise also with respect to colonies and other dependent areas. The fact that India, if given equal treatment, might be entitled to more votes than anybody else except the United States will probably lead to immediate opposition in some less favored countries. Similarly, the Netherlands Indies might be entitled to a voting power larger than that of the Netherlands themselves, while Burma and Indochina might have a claim to 21 votes each. Sooner or later, each of these countries, and a number of others, will be admitted to equal rights in the community of nations. Since China has been admitted to the inner circle, the color

TABLE B: VOTING POWER OF DEPENDENT COUNTRIES

<i>Name of Country</i>	<i>Population</i>		<i>Production</i>		<i>Trade</i>		<i>Total Voting Power</i>
	<i>Millions of In- habitants</i>	<i>Voting Units</i>	<i>Millions of Dollars</i>	<i>Voting Units</i>	<i>Mil- lions of Dollars</i>	<i>Voting Units</i>	
Netherland Indies	69.4	16	1,200	5	789	7	28
Burma	16.6	12	570	4	271	5	21
Indochina	23.7	12	540	4	164	5	21
Br. Malaya	5.4	8	1,100	5	889	7	20
Algeria	7.6	8	1,000	5	411	6	19
Nigeria	19.8	12	130	2	181	5	19
Belgian Congo	10.4	10	140	2	93	4	16
Fr. West Africa	14.8	10	120	2	134	4	16
Ceylon	5.9	8	140	2	198	5	15
Fr. Morocco	6.6	8	170	2	115	4	14
Anglo-Egyptian Sudan	6.5	8	70	1	69	3	12
Tunis	2.7	6	160	2	117	4	12
Gold Coast	3.5	6	90	1	137	4	11
Tanganyika	5.3	8	30	—	41	3	11
(Hong-Kong	1.1	4	60	1	315	5	10)
Madagascar	3.9	6	90	1	42	3	10
Palestine	1.5	4	100	2	107	4	10
Puerto Rico	1.9	4	60	1	190	5	10
Kenya	3.5	6	30	—	46	3	9
Uganda	3.8	6	30	—	46	3	9
Angola	3.5	6	20	—	25	2	8
Fr. Cameroons	2.6	6	20	—	20	2	8
Fr. Equatorial Africa	3.5	6	20	—	20	2	8
Eritrea	1.1	4	—	—	110	4	8
Northern Rhodesia	1.4	4	90	1	78	3	8
Sierra Leone	2	6	30	—	22	2	8
Curaçao	0.1	1	60	1	313	5	7
Jamaica	1.2	4	30	—	53	3	7
Italian Somaliland	1.4	4	—	—	58	3	7
Ruanda-Urundi	3.8	6	10	—	5	—	6
Aden	0.1	1	20	—	49	3	4
New Guinea	0.7	2	—	—	20	2	4
Nyasaland	1.7	4	20	—	8	—	4
Sarawak	0.6	2	20	—	31	2	4
Trinidad & Tobago	0.5	1	20	—	66	3	4
Cyprus	0.4	1	60	1	19	1	3
Libya	0.9	2	—	—	19	1	3
Fiji	0.2	1	10	—	19	1	2
Malta	0.3	1	10	—	19	1	2
Spanish Morocco	0.3	2	—	—	8	—	2
Transjordan	0.3	1	—	—	—	—	1

bar seems to have been lifted from the assemblies of nations. The principle of equality might be extended after this war at least to all nations of Asia, and for a number of them direct representation in the Assembly might be granted. Not all the peoples will be so fortunate, however, and special measures might have to be devised to take care of them until the moment of their independence arrives. Their status might be equaled to that of the territories of the United States. They might be empowered to send delegates to the assembly with a right to speak and to defend their interests, but without the right to vote except in cases pertaining to the welfare of dependent peoples. For the latter purpose, votes of dependent countries might be weighted on principles similar to those adopted for weighting the votes of other countries. Table B shows the application of these principles to the most important dependent countries.

TABLE C: SUMMARY

	<i>Independent Countries</i>	<i>Dependent Countries</i>	<i>Total</i>
<i>1. Regions:</i>			
Europe (including Soviet Union)	579	2	581
[without the Baltic States]	[544]	[2]	[546]
Americas	318	28	343
Asia (including Turkey)	263	137	400
[without Hong-Kong]	[263]	[127]	[390]
Africa	72	228	300
Australia and Oceania	36	6	42
Total	1,268	401	1,669
	[1,233]	[391]	[1,624]
<i>2. Colonial Empires:</i>			
British Commonwealth	183	194	377
France	31	108	139
Netherlands	24	35	59
United States	38	10	48
Italy	30	18	48
Belgium	24	22	46
Australia	21	4	25
Spain	23	2	25
Portugal	16	8	24

The chief Axis countries might for some period after the war be treated in the same way as the dependent peoples. They might be allowed to send representatives to the assembly, but without votes. This restriction, however, should be abandoned as soon as these countries give sufficient proof that they have renounced the way of aggression and fascism.

Only when all these technical and legal problems are overcome will an international assembly become a reality. A mere discussion of the question whether or not an international assembly should be created does not lead anywhere. But if the attention of both the statesmen and the general public could be centered on the merits of concrete proposals for an assembly of a clearly defined composition, a solution might be found. It would probably differ in many respects from the proposal analyzed here. But it is believed that such a proposal might usefully serve as a stepping-stone from the morass of abstract generalities into the firm land of concreteness and reality.

THE LEGAL NATURE OF WAR CRIMES AND THE PROBLEM OF SUPERIOR COMMAND

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One of the most crucial and controversial questions in the field of international criminal justice is that of whether "superior command" is a good defense in a war-crime trial. The answer is of cardinal importance, since trials of war criminals may prove entirely useless if accused persons are permitted simply to pass on the responsibility for their acts to their superiors. The line would lead straight to the omnipotent leader, who might choose to escape prosecution altogether by putting an end to his life. Opinions of writers on the subject are divided, and so are court decisions, war manuals, and legislative provisions. While the American and British war manuals,¹ backed by Oppenheim's authority,² recognize "superior command" as a full defense, Anglo-American practice, expressed in numerous decisions³ and supported by many authorities,⁴ refuses to ascribe to it any exculpatory effect. Some theories recognize "superior command" as a defense to a limited extent only, dependent upon whether the subor-

¹ U. S. *Rules of Land Warfare*, Par. 347; British *Manual of Military Law*, Ch. XIV, Art. 443. It is important to note that both war manuals have no statutory force, being only publications for the guidance of officers.

² See Oppenheim's *International Law* (4th ed. by McNair), Vol. II, p. 410. The chapter on "superior command" in the 5th and 6th editions was written by Lauterpacht, and expresses an entirely different view.

³ See the case of Henry Wirz, commented on by G. A. Finch in *Amer. Jour. of Internat. Law*, Vol. 15, p. 444 (1921); the case of the *Flying Fish*, 2 Cranch 170; U. S. v. Jones, Fed. Cases No. 15494; *Riggs v. State*, 3 Cold. (Tenn.) 85; and *Regina v. Thomas*, reported by Bellot in *Transactions of the Grotius Society*, Vol. 2, p. 47 (1917).

⁴ E.g., J. F. Stephen, *A History of the Criminal Law of England* (1883), Vol. I, p. 205; Phillipson, *International Law and the Great War*, Vol. II, p. 483 ff; Lauterpacht in Oppenheim's *International Law*, 6th ed., Vol. II, p. 453; Merignhac, in *Revue générale de droit international public*, Vol. 24, p. 52.

dinate actually knew, or had reasonable grounds for knowing, that a given command contemplated a punishable, or at least an illegal, action.⁵

What has not been tried up to now, and what seems a worth-while undertaking, is to analyze the general conception of war crimes and to try to reach a solution of the indicated problem out of a clearer understanding of that conception.

What Is a War Crime? Most treatises on international law fail to give a definition of the concept of war crimes.⁶ Many particular actions, to be sure, are recognized as war crimes, viz., murder, mayhem, rape, arson, abduction, espionage, war treason, etc. But what have these different crimes in common that justifies their inclusion under the general term "war crimes"?

Their common quality may be found in their relation to the war. Every such deed is at the same time a war-like action, an attack upon the opposing belligerent nation. Murder, mayhem, rape, arson, etc., when committed in peace-time, are attacks on indubitable rights of an individual and on society as a whole. The same actions, when committed in war, carry an additional element, i.e., *attack upon the enemy as such*—violation of the enemy's human or family, public or private, rights. Ordinary rape, for instance, is an attack upon individual freedom of sex; rape as a war crime carries with it the conscious humiliation of the individual enemy as such and the destruction of the enemy's family rights. Confronted by an action which has no intrinsic relation to the war at all, we would feel reluctant to classify it as a war crime.

A war crime, therefore, always constitutes some kind of attack upon the enemy, the word "attack" being taken in a broad enough sense to cover even defensive situations, such as using civilians as a shield against enemy fire.

Categories of War Crimes. War crimes are divided into two categories: (1) espionage and war treason; and (2) other war crimes, i.e., common law crimes and other violations of the rules and customs of warfare. The main distinction between the two groups lies in the fact that the former are considered to be lawful acts on the part of the belligerent who uses them.

In the opinion of most authorities on the subject of espionage and war

⁵ See German *Militärstrafgesetzbuch* (1872), Par. 47; Austrian *Allgemeines Strafgesetzbuch* (1852), as amended by act of July 15, 1920, Pars. 535 and 560; case of the "Llandovery Castle," *Amer. Jour. of Internat. Law*, Vol. 16, p. 708 ff. (1922); Hall, *International Law*, 8th ed., p. 499.

⁶ An exception is made by Oppenheim, who gives the following definition: "War crimes are such hostile or other acts of soldiers or other individuals as may be punished by the enemy on capture of the offenders" (*International Law*, 6th ed., p. 451). The British *Manual of Military Law*, in Art. 441, follows Oppenheim's definition almost verbatim. However, this definition is only a formal one, pointing out the responsibility of the malefactor before the courts of the offended state.

treason, these actions are lawful and widely used by most belligerents.⁷ Accordingly, the term "war crime" does not in itself carry any moral condemnation, and may even be applied to "highly patriotic and praiseworthy" actions.⁸ The underground warfare carried on by the subjugated populations of Europe may be punishable by the German occupation authorities on capture of the offenders; nevertheless it is lawful.

Inquiring into the reasons for the anomalous feature of penalizing lawful actions, we find a plausible explanation given by Par. 203 of the *U. S. Rules of Land Warfare* (1940): "Spies are punished, not as violators of the laws of war, but to render that method of obtaining information as dangerous, difficult, and ineffective as possible for the enemy." The great danger of these actions for the opposing belligerent would be out of proportion to the relatively secure position of the spy and war traitor if, upon capture, treatment as prisoners of war were accorded them. Hence the inherent idea in penalizing such actions as espionage and war treason is: "Defense against a particularly dangerous attack by attaching an appropriate risk to the attack."

Considering the conclusions thus far reached, we may note a peculiar result. As far as espionage and war treason are concerned, criminal law and procedure seem to be devoid of any moral aspect. The conception of war crimes with regard to espionage and war treason is lacking in any moral reproach, and the punishment inflicted for these actions contains no element of expiation. It is the typical war situation of attack and defense, the war crimes being the attack and the threat of their punishment being the defense.

In contradistinction to espionage and war treason, common law crimes, committed under circumstances which qualify them as war crimes (including violations of the rules and customs of warfare)⁹ involve strong moral reproach and blame against their perpetrators. Such actions are

⁷ Oppenheim, *op. cit.*, p. 329, refers to them in the following words: "The fact, however, that these methods are lawful on the part of the belligerent who employs them does not protect from punishment such individuals as are engaged in procuring information. Although a belligerent acts lawfully in employing spies and traitors, the other belligerent who punishes them likewise acts lawfully. Indeed, espionage and war treason bear a twofold character. For persons committing acts of espionage or war-treason are . . . considered war criminals and may be punished, but the employment of spies and traitors is considered lawful on the part of the belligerents."

⁸ See British *Manual of Military Law*, Art. 441.

⁹ There is no essential difference between "violations of rules and customs of warfare" and "ordinary common law crimes" committed against the enemy. Most acts of war contain all essential elements of criminal acts, and are justified only by their conformity to the rules and customs of warfare. If the commission of acts of warfare is at variance with the rules of international law, the element of justification is lacking, and then such acts are to be considered as ordinary crimes under the common criminal law.

punished in every civilized society because of their injurious effect upon individuals and society. The principle of their punishment contains the elements inherent in every criminal law, i.e., expiation, deterrent and effective protection of certain human interests, as life, liberty, property, habitation, etc.

However, as set out above, these actions, besides violating particular human interests, have one quality in common: They are attacks upon the enemy nation as such; accordingly, in addition to the ideas guiding ordinary criminal law, exactly the same principles apply to them as to the first group of war crimes—espionage and war treason. Their punishment, besides carrying the elements of expiation and deterrent, is “defense against an attack.”

A common crime committed under circumstances which qualify it as a war crime thus reveals a two-fold legal nature. It is a complex phenomenon showing two inherent qualities, one of them being the violation of certain human interests and the other an “attack upon the enemy nation.” Therefore the social reaction against this phenomenon is governed by two different principles: (1) protection of certain human interests (a principle common to every criminal law), and (2) defense against an attack of the enemy (the same idea which governs the punishment of spies and war traitors).

Defense Against Attack. The question of defense against attack arises only in cases of trials in the country that has been outraged. In cases where the perpetrator is tried by his own courts, there is no place for the principle of “defense against attack.” The offending state itself is the attacker, and to adopt a defense against one’s own attack would mean a contradiction in terms. Therefore espionage and war treason never are punishable by the spy’s and war traitor’s own courts, and criminal proceedings for the perpetration of common-law war crimes are conducted in accordance with the particular applicable criminal law, always allowing some grounds for justification or excuse in consideration of the offender’s subjective situation. In cases, however, where the perpetrator of a war crime is tried by the country which he outraged—and the Moscow Declaration provides for such trials—the subjective situation of the accused war criminal has to yield to an objective consideration of the misdeeds committed.

When a court is confronted with such defense arguments as compulsion, duress, or superior command, it will in most cases be in a position to dismiss them. There has never been any doubt about the inadmissibility of these defenses in a trial involving espionage and war treason. The principles for the punishment of these actions are entirely governed by objective standards, namely, by the consideration of the danger and misfortune brought about by them for the attacked nation.

It would have been considered ridiculous if the German saboteurs tried by an American military commission in 1942 had pleaded as excuse the orders they received from their German superiors. The danger of being caught and punished is the risk of every spy and war traitor, exactly like the ordinary war risk of every soldier on combat duty. It makes no difference whether or not the spy acted under orders. If he did so, he was led into the danger and exposed to the risk connected with his action by his superior, in precisely the same way that a soldier is led into danger and exposed to risk in open combat by his superior officer.

What holds true for one class of war crimes—espionage and war treason—ought to hold true for other war crimes also. Common crimes committed as war crimes are also attacks upon the enemy. Massacres of civilian populations, rape, violation of family rights and honor, deportation of whole sections of a population, wholesale theft, robbery, arson, and destruction of property are attacks upon the very life of a nation and acts aimed at the paralysis and destruction of the nation itself as an independent entity. Should the commission of these acts, being much more dangerous attacks upon the belligerent nation than the activities of a spy or war traitor, carry no risk at all for their perpetrators only because the attack was well organized and carried out under military discipline? Would it not be an outstanding paradox if, the better organized and prepared such a systematic destruction of a whole nation were, the more chance its perpetrators should have to escape their just punishment by successful pleading of superior command? The theory of superior command leads to the absurd result that the exceptional cases of war crimes occurring within the army of a belligerent nation which on the whole scrupulously observes the laws and customs of war would be severely punished, while the perpetrators of the most abominable crimes in the history of mankind would go unpunished because every action of an individual is directed by central orders, which may be nothing else than the expression of the aggressive will of the whole nation. After all, these malefactors are only members of a well-organized army of a nation bent upon violence and upon terrorizing its peaceful neighbors.

Accordingly, in most cases a court trying a war criminal need not accept his plea of superior command as an excuse. The mere fact of an attack upon the nation justifies the application of punishment as a defensive measure. In that case, the subordinate war criminal was led into danger and exposed to risk by his superior, as a soldier in open combat or a spy acting under orders.

However, in some cases it will be necessary to balance the two conflicting principles. Then the court will have to weigh the facts supporting the application of an objective standard against those suggesting consideration of the criminal's subjective situation of duress or compulsion. The

relative unimportance of the crime committed for the life of the nation as such, lower rank of the accused and in connection therewith his acting as a mere tool in the hands of his superior, imminent danger of grave consequences for disobedience, with no possibility of avoiding them, apparent legality of the order, etc., are circumstances suggesting consideration of the plea of superior command as a mitigating cause, and in extreme cases even as a complete excuse. On the other hand, where a crime forms part of a preconceived plan to destroy a nation or part of it, and especially where the incriminating action is of large importance within the framework of such a plan, the application of the principle of "defense against attack" will lead to rejection of the plea of superior command.

It is important to observe that the above considerations involve no prejudice to the different national laws to be applied in war-crime trials. They simply indicate the treatment which a war criminal may expect and cannot complain of from an international law angle. Like all principles of international law, they may be employed if the applicable national law contains no provision to the contrary. If it does so, the national legislation did not go to the full severity which it might attain under principles of international law, and the provision in question may be charged without thereby creating an *ex post facto* law.

After the conclusion of a peace treaty, there is no longer any ground for applying the principle of "defense against attack." Hence, espionage and war treason cannot be prosecuted at all after the end of a war, and the prosecution of common-law war crimes has to rely exclusively upon the principles embodied in the applicable national law. Therefore *inter bellum* trials, applying an objective standard, would be appropriate for the perpetrators of the atrocities committed in the present war, since greater consideration for the accused war criminals' subjective conflict-situation, and resulting leniency in the treatment of them, would be an insult to the outraged peoples of Europe.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Professor Quincy Wright has returned to the University of Chicago after a year's leave of absence with the Foreign Economic Administration and the State Department.

Mr. Justice Thurman W. Arnold gave a series of lectures at the University of Chicago during the autumn quarter entitled, "An Economic Ideal for Twentieth-Century America."

Dr. Charles C. Rohlfing, of the University of Pennsylvania, has been appointed expert examiner by the U. S. Civil Service Commission to assist in the recruitment of administrative personnel.

Chancellor A. B. Butts, of the University of Mississippi, on active duty as a Lieutenant Colonel, Judge Advocate General's Department, U. S. Army, since July 1, 1942, has reverted to inactive status and returned to the University as chancellor and professor of law.

Dr. John A. Vieg, at present in the Bureau of the Budget and formerly a member of the faculty of Iowa State College, has been appointed associate professor of government at Pomona College, effective January 1, 1945.

Mr. Robert D. Leigh, director of the Commission on the Freedom of the Press, lectured at the University of Chicago during the autumn quarter on "Politics vs. Bureaucrats: The Case of Congress and the FCC."

Professor C. H. Pritchett, of the University of Chicago, gave his time during the autumn quarter to completing his study of the historical development of the organizations known collectively as "1313."

Professor Henry P. Jordan, of New York University, has been appointed foreign economic specialist in the Pan-American Branch, Bureau of Areas, Foreign Economic Administration, and has taken up his duties in Washington, D. C.

Lecturers in the department of political science at the University of Tennessee this year include Dr. L. L. Durisch and Messrs. L. E. Abbott, A. G. Jones, and Richard Bigger. Dr. Hazel G. Ramsay is teaching courses in political science as well as in history.

Professor G. Leighton Lafuze, of Stetson University, is serving this year as lecturer in political science at the University of Virginia.

Dr. Reuel G. Hemdahl, who has served as research associate with the Pennsylvania Economy League, has accepted an assistant professorship at the South Dakota State College of Agriculture and Mechanic Arts.

Dr. Harold M. Vinacke has received an extension of his leave of absence from the University of Cincinnati in order to continue service with the Office of War Information in the capacity of chief of the Japan Section.

After a period of service as training manager of the Lockheed Aircraft Corporation, Dr. Emery E. Olson returned in November to his regular position as dean of the School of Public Administration, University of Southern California. He continues as chairman of the Committee on Administrative Personnel, United States Civil Service Commission.

The National Civil Service Reform League has set up a National Committee on Post-War Civil Service Problems, with Chancellor Harry Woodburn Chase, of New York University, as chairman. A sub-committee on demobilization and reorganization of the civil service has as chairman Professor Leonard D. White, of the University of Chicago, and as additional members (among others) President Clarence A. Dykstra, of the University of Wisconsin, and Professor Edgar Dawson, of Hunter College.

Lt. D. Barlow Burke, U.S.N.R., has terminated his tour of duty as Legal Officer at the U. S. Naval Receiving Station, Brooklyn, N. Y. He went to Brooklyn in March, 1943, from an assignment with the Department of State.

Dr. Leo Gross, formerly lecturer in political science at Wellesley College, has been appointed professor of international law and organization at the Fletcher School of Law and Diplomacy, and also consultant to the Office of General Council, United Nations Relief and Rehabilitation Administration.

Professor Emeritus John A. Fairlie, of the University of Illinois, underwent a major operation at St. Luke's Hospital, Chicago, during the autumn and is making a satisfactory recovery.

Dr. William B. Ballis, on military leave from his assistant professorship at Ohio State University, and stationed in the Navy Department at Washington, has been promoted to the rank of Lieutenant Commander in the United States Naval Reserve.

Dr. Norman J. Padelford, formerly of the Fletcher School of Law and Diplomacy, has been appointed professor of international relations at the Massachusetts Institute of Technology and will direct a new program in international affairs to be started at that institution. He continues service as a consultant in the Department of State.

Contact has been reestablished with Senator Vinck and René Disheim, representing the International Union of Cities and the International Institute of the Administrative Sciences, respectively. The work of

these international organizations, whose headquarters were in Brussels, was interrupted in 1939.

The death of Lieutenant Harold E. Jones, information officer on the staff of Rear Admiral Henry Mullinix, on the escort carrier *Liscome Bay*, which was torpedoed on November 28, 1943, has been reported. Lieutenant Jones, long a member of the American Political Science Association, was editor and publisher of *The Temple City Times* in California.

Professor Ivan M. Stone was granted a year's leave of absence from Beloit College during the summer to engage in work with the Division of International Security and Organization in the Department of State. His work at Beloit is temporarily in charge of Dr. René de Visme Williamson, of Davidson College.

Professor Thomas C. Donnelly, on leave from the University of New Mexico during the past two and one-half years, resigned on October 25 as deputy administrator for information of the O.P.A. and has returned to his academic position as head of the department of government.

Dr. B. Mirkin-Guetzévitch is editor of a recently established monthly journal, *La République Française*, published in New York and devoted to articles, notes, and bibliography relating to French republican and democratic ideology. Much material on legislation and constitutional problems is presented, including a monthly documented article by the editor on the future constitution of the Fourth Republic. Leading French and American scholars are contributing to the successive issues.

The fourth series of conferences of the Institute on Postwar Reconstruction at New York University is being held during the period October 4 to January 3. The general topic is "America's Place in the World Economy," and a lengthy list of speakers includes Professor John B. Condliffe, of the University of California, Professor William Y. Elliott, now with the War Production Board, and Mr. William H. Chamberlain, former Moscow correspondent of the *Christian Science Monitor*.

A School of Advanced International Studies and Foreign Service Training Center, established in Washington (1906 Florida Ave.) under the auspices of the Foreign Service Educational Foundation, has announced a staff, courses of instruction, and general arrangements for its first year, 1944-45. The director is Professor Halford L. Hoskins, formerly of the Fletcher School of Law and Diplomacy, and professors or lecturers include Professors William Y. Elliott, Philip W. Ireland, and Eugene Staley, Dr. Herbert Feis, Dr. Durward V. Sandifur, and others.

Mrs. Bertha Moser Haines, wife of Professor Charles Grove Haines, of the University of California at Los Angeles, died at her home in Los

Angeles in late October. After her marriage to Professor Haines, in 1906, she worked with him on the manuscript of his *American Doctrine of Judicial Supremacy* (1914), and subsequently she became joint author of *Principles and Problems of Government* (1921, with new editions in 1927 and 1934) and sole author of *The Constitution of the United States; A Brief Account of Its Growth and Meaning* (1928). Mrs. Haines participated generously in the activities of the National League of Women Voters and of various civic and university organizations.

The president of the newly established China Society of International Law, with headquarters at 13 Chialing Village, Chungking, China, is Dr. Sun Fo, president of the Legislative Yuan of the National Government. The other members of the Executive Committee are: Dr. Wang Chung Hui, formerly minister of foreign affairs and Judge of the Hague Court of International Justice; Dr. Quo Tai Chi, formerly ambassador to the Court of St. James and foreign minister; Dr. Wang Hua Cheng, sometime professor of international law in Tsinghua University and present director of the Treaty Department of the Ministry of Foreign Affairs; Dr. Wang Shih Chieh, familiar to circles in England as the head of the recent mission from the People's Political Council; Dr. Hsieh Kuan Sen, minister of justice of the National Government; Dr. Robert Sheng, principal of the School of Law, Soochow University; Dr. Tung Ling, member of the Legislative Yuan; and Professor Percy Chen, barrister at law, Middle Temple.

Professor Frederick L. Schuman returned to Williams College for the fall term, after participating during the summer in the program of Intensive Study of Contemporary Russian Civilization at Cornell University. Apart from its importance as a means of training specialists on the U.S.S.R., this program was a significant and fruitful experiment in the integration of the social sciences. All students were required to take six basic courses. One consisted of a "Workshop Seminar," in which various specialists lectured for a week at a time on selected aspects of Soviet civilization, including music, art and architecture, public health, agriculture, foreign trade, education, law, science, etc. The other courses, running throughout the twelve weeks of the program, consisted of Russian Literature, offered by Professor Ernest J. Simmons, director of the program; Russian History, by Sir Bernard Pares; Soviet Economy, by Professor Valdimir D. Kazakevich; Soviet Government and Foreign Policy, by Professor Frederick L. Schuman; and Soviet Social Institutions, by Professor Robert S. Lynd. The courses were supplemented by tutorial work, regular conferences, frequent open forums, a dozen Soviet films, and weekly pictorial exhibits dealing with various features of Soviet life in peace and war. Staff members and students alike were convinced by their

experience that such a concentration of separate disciplines and techniques on a given area and culture offers great promise for the more effective coördination of the social studies in the postwar period.

Members of the American Political Science Association who have followed the efforts of the Association to bring about the fuller publication of election statistics will be glad to know that the Bureau of the Census has published (October, 1944) *Elections Data in State Documents* (State Documents No. 2), prepared by Dorothy W. Kaufman under the supervision of Dr. E. R. Gray of the Governments Division. This publication is mute evidence of the need for federal election statistics, for 216 publications containing election data are listed, and, of course, they are not standardized either as to areas and offices covered or as to time of issue. Moreover, all of these publications together do not cover elections for all offices; although they are the sources of data needed by the student of elections so far as they are available in official sources. The references cover elections, primaries, votes upon measures, and compilations of election laws. The Bureau has in process for publication in December a list of county and state elective offices, including terms, and expects to publish in January statistics on soldier voting in the November elections.

The Washington Committee of the American Political Science Association has created a sub-committee to arrange for meetings of political scientists in and near Washington. The members are Ethan Allen (War Production Board), John Brown Mason (State Department), Major Bennett M. Rich (Office of the Provost Marshall General), Wallace S. Sayre (Office of Price Administration), Lt. (jg) Francis O. Wilcox (Navy Department), Herbert F. Wright (Catholic University), and Charles S. Hyneman (FCC), *chairman*. The sub-committee sponsored a smoker the evening of November 15, which was attended by 83 persons. Three discussion groups have been organized, as follows: "The Political Scientist When He Returns to the Campus," Francis O. Wilcox, *leader*; "The Place of Germany and Japan in the Post-War World," John Brown Mason, *leader*; and "The Reconciliation of Powerful Administration with Democracy," Wallace S. Sayre, *leader*. It is expected that each discussion group will meet at least five evenings. Other discussion groups and meetings may be organized.

Fortieth Annual Meeting of the American Political Science Association. The fortieth annual meeting of the American Political Science Association will be held at the Hotel Statler, Washington, D. C., February 1-4, 1945, under circumstances similar to those governing the two previous wartime annual meetings. The Association will carry out a program jointly with the American Economic Association and the American Society for Public Administration; and attendance will be in accordance with the following

statement prepared by the president of the Association, Professor Leonard D. White: "Both the Office of Defense Transportation and the War Production Board have requested restriction of attendance or cancellation of meetings and conventions in view of the unprecedented strain upon transportation facilities and hotel accommodations. As a war measure, members of the American Political Science Association are consequently urged not to plan to attend the annual meeting in Washington unless they are required to be in the city on account of official or other urgent business." Persons who will be traveling to Washington at the time of the meeting and will need hotel accommodations may communicate with Dr. Henry Reining, Jr., National Institute of Public Affairs, 400 Investment Building, Washington 5, D. C.

The meeting will focus on "Problems of the Post-War World." At the opening session on the evening of February 1, and at joint luncheons on February 1 and 2, prominent representatives of the governmental, academic, and business worlds will give addresses; and during forenoons, afternoons, and evenings there will be four to five section meetings, covering, in all, a wide range of topics, as follows (with organizer and leader indicated in parentheses):

FRIDAY, FEBRUARY 2, 9:30 A.M.

Social Scientists and the Public Service (Kenneth O. Warner, Foreign Economic Administration)
 Latin America's Place in the Post-War World (Russell H. Fitzgibbon, Office of the Coördinator of Inter-American Affairs)
 Japanese Government in the Post-War Period (Lt. Cmdr. William N. McGovern, Office of Strategic Services)
 Consumption Economics (Edwin G. Nourse, Brookings Institution)

FRIDAY, FEBRUARY 2, 2:30 P.M.

Expanding Civilian Production and Employment in the Transition from War to Peace (T. O. Yntema, Committee for Economic Development)
 Natural Resources and International Policy (to be arranged)
 Interdepartmental Introductory Courses in the Social Sciences (Benjamin F. Wright, Harvard University, and Horace Taylor, Columbia University)
 The Reorganization of Congress (George B. Galloway, Commission on the Organization of Congress)
 German Government in the Post-War Period (Roger H. Wells, Byrn Mawr College)

FRIDAY, FEBRUARY 2, 8:00 P.M.

Rationing and Price Control in the War-Peace Transition (Donald H. Wallace, Office of Price Administration)
 Organized Labor and the Public Interest (to be arranged)
 Aviation in the Post-War World (Claude E. Puffer, University of Buffalo)
 International Organization for the Maintenance of Peace (Grayson L. Kirk, Columbia University)
 The 1944 Election (Harold D. Lasswell, Library of Congress)

SATURDAY, FEBRUARY 3, 9:30 A.M.

- International Monetary and Credit Arrangements (Robert B. Warren, Institute for Advanced Study, and Howard S. Ellis, Board of Governors, Federal Reserve System)
- Agricultural Price Supports and Their Consequences (Elmer J. Working, University of Illinois)
- The Human Problem in the War-Peace Transition (Geoffrey May, Bureau of the Budget)
- Political Reconstruction in France (Walter R. Sharp, College of the City of New York)
- Political Science Research in the Postwar Period (William Anderson, University of Minnesota)

SATURDAY, FEBRUARY 3, 2:30 P.M.

- Citizens' Attitudes toward Politicians and Bureaucrats (In collaboration with National Council for the Social Studies) (Ethan P. Allen, War Production Board, and Wilbur Murra, Civic Education Service)
- Fiscal Problems of Transition and Peace (Lawrence H. Seltzer, Wayne University)
- Problems of Regionalism in the United States (Robert D. Calkins, Columbia University)
- The Political Economy of International Cartels (Myron W. Watkins, New York University)
- Food and Agriculture: Outlook and Policy (John D. Black, Harvard University)

SUNDAY, FEBRUARY 4, 10:00 A.M.

- The Soviet Union in the Post-War World (Mortimer Graves, American Council of Learned Societies, and John N. Hazard, Foreign Economic Administration)
- Postwar Shipping Policies (Richard M. Bissell, Jr., War Shipping Administration)
- Functional Representation in War Production, Price Regulation, and Reconversion (Arthur W. Macmahon, Columbia University)
- The Supreme Court During and After the War (Robert K. Carr, Dartmouth College)

SUNDAY, FEBRUARY 4, 2:00 P.M.

- The Function of Government in the Post-War American Economy (James Washington Bell, Northwestern University)
- The Role of the States in the Post-War Period (Patterson H. French, Office of Price Administration)
- Post-War Control of International Communications (Robert D. Leigh, Commission on the Freedom of the Press)
- Organization and Coordination of International Social and Economic Agencies (Benjamin Gerig, Department of State)

Professor James W. Fesler, Room 2520, Social Security Building, Washington, D. C., is program chairman and Dr. Henry Reining, Jr. of the National Institute of Public Affairs, is the Association's representative on the local arrangements committee.

BOOK REVIEWS AND NOTICES

Our Civil Liberties. By OSMOND K. FRAENKEL. (New York: The Viking Press. 1944. Pp. 277. \$3.00.)

This is a timely and informative volume on a subject of increasing interest to the educated public as well as to students of political science. When, on April 12, 1937, the Supreme Court gave over its hundred-year-old effort to erect barriers against the national legislative power out of some of the reserved powers of the states, it surrendered its most exalted, if not most important, jurisdiction in the constitutional field. Even earlier, it had begun to water down the commerce clause and the due process clause of Amendment XIV as limitations on state legislation affecting the interests of employers. Meantime, however, it had in 1925, by its decision in *Gitlow v. New York* (268 U.S. 652), brought about a kind of amalgamation of the same due process clause with the First Amendment, taking thereby the critical "first step" toward making itself the defender of freedom of speech and the press against the states, and this jurisdiction strikers, picketers, and Jehovah's Witnesses have latterly activated immensely. The net result of these developments has been the rise almost over night of a virtually new constitutional law, one in which organized labor has succeeded to the privileged position formerly occupied by Big Business as teacher's favorite, albeit accused persons and other hapless and helpless victims of local prejudice have benefited too.

And it is this new constitutional law, or what part of it had been recorded in judicial decisions prior to February, 1944, that Mr. Fraenkel sums up for us interestingly and, subject to a few criticisms, acceptably. Although his reliance is for the most part, naturally, on decisions of the Supreme Court, he is never at a loss for some contemporary state or lower federal court decision capable of filling a discovered gap in current Supreme Court holdings. He is inclined, too, to give considerable attention to the opinions of individual Justices, both affirming and dissenting ones, thus warning us inferentially that the new constitutional law is still rather tentative at points, still in the crucible of experimentation. And as illustrating the up-to-the-minute quality of the book, of the forty-nine citations of "authorities" appended to the longest chapter of the book, that on Freedom of Speech and Press, thirty are to cases which were decided between 1940 and 1943 inclusive.

One deficiency of the book which will be felt especially by the lay reader is its failure to cast up accounts at points. Another, which will be felt more particularly by the professional reader, is the paucity, when the interests of organized labor are not concerned, of critical comment. Thus some of the results which the Court has reached touching the activities of Jehovah's Witnesses illustrate afresh the difficulty which it has experi-

enced before this in checking the momentum of a doctrinal impulse by resort to its own common sense. The most egregious instance of this, the decision last April in *Ballard v. United States*, came, however, too late for Mr. Fraenkel to notice it.

At other times Mr. Fraenkel's promised pro-labor bias causes him to swing a cudgel rather gratuitously. The implication (p. 29) that the Court has been more ready to review justifications of declarations of martial law at the behest of property interests than of the interests of labor is certainly not supported by his sole citation, *Sterling v. Constantin* (287 U.S. 378), which, though a property rights case, arose out of a situation involving no violence, whereas *Moyer v. Peabody* (212 U.S. 78), which is, undoubtedly the labor case he had foremost in mind, did involve violence. In fact, Mr. Fraenkel's silence regarding the latter case, and the useful concept of "preventive" martial law there set forth by Justice Holmes, is somewhat remarkable. Nor is his citation of the *Danbury Hatters Case* (235 U.S. 522) in connection with his discussion (pp. 231-233) of whether there ought to be legislation to curb some of the powers which organized labor acquired as a result of the Wagner Act, easily explicable in view of such decisions as *Apex Hosiery Co. v. Leader* (310 U.S. 469) and *United States v. Hutcheson* (312 U.S. 219). And I for one should have liked Mr. Fraenkel to explain just why the Court insists on classifying the right to picket peacefully not simply as an element of "liberty" but as "freedom of speech," an obvious misnomer when an unwilling audience is importuned.

Two or three miscellaneous criticisms: The statement that the Court's acceptance of "the clear and present danger" rule in the *Schenck Case* (249 U.S. 47) was "unanimous" (pp. 34-35) should have been accompanied by the explanation that the rule was there involved only in the limited sense of defining the situation in which words amount to a criminal attempt, not at all in the sense of defining the extent of Congress's power to prohibit words. The question of the compatibility with the requirements of Amendment VI of the practice of removing "conspirators" for trial to the scene of the alleged "overt act" is, in view of some recent and pending prosecutions, dismissed with disappointing brevity (pp. 170-171; cf. Justice Holmes' dissenting opinion for himself and three brethren in *Hyde v. U.S.*, 225 U.S. 347). I also think Mr. Fraenkel's despair of any further judicial tests of the poll tax (p. 216) unwarranted in view of the ammunition available in Justice Jackson's admirable opinion in *Edwards v. California* (see 314 U.S. at 181).

While this well-written book makes good reading for the public for which the author intended it, it is not a work of general entertainment despite the effort of the publishers to give it that semblance by placing at the end of the volume a list of "authorities" which are cited to the pages

of the text in lieu of notes appended to definitely indicated passages. This novel practice occasionally leads to confusion and to the omission of expected justifications, besides wasting the reader's time.

EDWARD S. CORWIN.

Princeton University.

Law Enforcement in Colonial New York. BY JULIUS GOEBEL, JR., AND T. RAYMOND NAUGHTON (New York: The Commonwealth Fund, 1944. Pp. ix, 867. \$5.00.)

The scholarship lavished upon the writing of this book is both massive and impressive. But I fear that for all but a few highly trained lawyers it will largely defy comprehension and lack interest—so great is the pre-knowledge assumed and so arid and forbidding is the detail.

The utility of the study, it is asserted, lies generally in its contribution to an understanding of the meaning of "due process" in law enforcement and specifically in the fact that the constitution of the state of New York, in the article on jury trial ["Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever, . . ."] and elsewhere, has "raised a beckoning finger to the past and thus will not suffer the deeds of colonial lawyers and judges to sleep in death." This rationale obviously has merit, but so much of this packed study is irrelevant to these considerations and so much of modern law and practice in law enforcement rests upon secure and established foundations that I cannot escape the conclusion that the volume will be found of practical use only in rare and fugitive instances.

The authors are on firmer ground when out of "a certain pedantic attachment to the truth" and concern about the consequences to individual litigants they seek to correct errors which so frequently characterize historiography in the law. Against lay historians the authors level the charge that they frequently fail to recognize (what any lawyer knows) that legal developments in each colony must be held discrete. The "frontier" and "formative era" theories of the common law, formulated by Roscoe Pound, are also subjected to scathing attack. These theories aver that the history of the common law began in America, for all practical purposes, after the Revolution. While the authors recognize that the common law "underwent a process of indenization" in the colonies, nevertheless (and the conclusion is thoroughly and, I believe, definitely documented) essentially the law of the colonies was determined, not by what was found here, but by what had already been experienced in England. Although English criminal law and procedure needed purging, in New York little was done "beyond abandoning some of the more barbarous incidents and making numerous small procedural changes."

The book is divided into two sections: "jurisdiction" and "practice."

The first chapter deals with the varied bases of jurisdiction in law-enforcement in colonial New York about which many a battle raged; the sources including, to name a few, the royal charters, the common law, acts of Parliament, acts of the Assembly, and the ordinance power of the governor and council. The chapters that follow are concerned with how, in fact, the law functioned within the jurisdictional framework—in short, “the normal *cursus curiae*, for city and country, for superior and inferior courts.”

A few conclusions of more general significance are that the colonists soon came to regard the common law as the shield and buckler of their constitutional rights (the appeal to natural law was far less important), while the crown looked to the same fountainhead to support prerogative power; accusation by grand jury became the predominant method of initiating prosecution for felonies and the more serious misdemeanors, but in some cases information could be brought by the attorney-general, and other methods were utilized for a vast area of petty misconduct and non-conduct; recognizances were often used as a surveillance technique over persons of ill-fame accused of no specific offense, and occasionally even over persons acquitted of crime (a technique which the authors intimate might be useful today and not inconsistent with historic “due process”); in the trial of a person charged with a felony he was ordinarily deprived of counsel, denied a view of the indictment, not privileged to have process to secure witnesses, often unable to cross-examine since depositions might be read in evidence against him, frequently subjected to what today would be regarded as prejudicial error by the court with little or no recourse and, in early times, tried by a jury which might be fined for its verdict. In cases involving misdemeanors, however, the accused had almost as many rights as today.

The thorough, painstaking research characteristic of this study sets so high a standard that it should serve as a pattern for legal historians. One could only wish that the canvas had been somewhat larger and more colorful.

SAMUEL HENDEL.

College of the City of New York.

Case Reports in Public Administration. SPONSORED BY THE SPECIAL COMMITTEE ON RESEARCH MATERIALS OF THE SOCIAL SCIENCE RESEARCH COUNCIL, GEORGE C. S. BENSON, CHAIRMAN. (Chicago: Public Administration Service. 1944. Reports 1-100. \$9.40.)

Some five years ago, the Social Science Research Council, through its Special Committee on Research Materials, undertook the development of a series of public administration case studies which would describe actual administrative situations and the decisions issuing from them. This proj-

ect resulted from a dissatisfaction among many students and practitioners of public administration with the materials available for university and post-entry training, particularly on the grounds that public administration was being presented to the student largely in the form of textbooks and theoretical analyses, prepared for the most part by scholars, rather than in the form of problems and situations as they actually occur in the day-to-day operation of the public business. The main thesis of the Council and the Special Committee was that materials for the study of public administration should be developed in part, and probably in large part, from the practice of administration—a principle which is well recognized in the trades and applied arts, but which, under the influence of the exaggerated academicism of our institutions of higher learning, is constantly in need of being rediscovered in some of the social sciences.

Those who were responsible for the Case Reports project were not particularly interested in public administration as another subject for the curriculum, but they were very much interested in improving the practice of the science, or art, or profession, of governmental administration, by building up a literature of source materials which would help to bring the teaching and practice of public administration into the closest possible proximity. Their interest was in seeing that university study in public administration should genuinely constitute preparation for the practice of a career. In addition, they were interested in developing more formal techniques by which administrators themselves might exchange ideas based on their experiences, and they hoped that ultimately something approximating a science of administration might emerge from the further development of these and other formal methods of recording and analyzing experience.

During the five years since the project was begun, some hundred Case Reports in Public Administration have been prepared and published, covering a wide range of subjects and drawing from almost all levels of governmental administration. Each report describes an actual administrative problem which occurred in a governmental office, enumerates possible decisions that might have been made, and describes the actual decision and the results, to the extent that the results were observable at the time of the report. In addition, most of those reporting cases comment briefly on the significance and implications of the problem.

Although one hundred studies represent ostensibly only a beginning in the project as contemplated, enough progress has been made fully to justify the original conception and also the conclusion that these materials will be found increasingly useful to both the student and the practitioner of administration. As instructional materials, both for university teaching and for post-entry training, they give promise of a real contribution, providing that the present standards are maintained and that the project

is vigorously prosecuted. In particular, the authors of the various reports deserve to be commended for the organization of their materials and the clarity of their presentations. It is a commentary partly on the case method and partly on the quality of the reporting job that the reports are uniformly interesting and readable. The following comments are intended to be suggestive of methods by which the reports might be strengthened at certain points.

For one thing, unless the rate of production can be increased, it may be desirable to concentrate the reporting into circumscribed areas in order that a much more substantial body of related material may be developed. The present one hundred studies cover such a wide area that there is no adequate opportunity for the student to generalize from the data. For the most part, the reports so far issued describe the narrower and more specialized problems which may properly be classified as "technical" problems within the principal subdivisions of the field of public administration: personnel, budgeting, finance, purchasing, and office management. It may be desirable to concentrate in one of these areas for a year or so, and make a concerted effort to build up one field at a time.

A few of the reports deal with problems of broader scope, from which, perhaps, broader principles of administration, of less specialized implications, might be derived. No doubt both types of study have their place, but they contribute to somewhat different purposes. The beginner in the public service who comes up through public administration training is likely to start in as a technician in personnel, budgeting, finance, or other administrative service, and his training ought to prepare him for those specific functions. From his standpoint, and that of his instructors, the most useful materials are those which deal with problems in the specialized fields. On the other hand, the administrator in a responsible position, up against complex problems requiring decision, is interested in the experience of other administrators in comparable situations. Perhaps the Committee should give further attention to the very great differences between these types. In this connection, the writer is of the opinion that a considerable number of the reports which have been classified broadly as "Organization and Management" really belong to the specialized fields, and do not have any substantial significance for organization and management generally.

Another possible criticism of the Case Reports is that many of them are written by persons who did not have direct responsibility in the administrative situation, and that in many cases they were written by observers who were not involved in the situation at all. Although this affords an opportunity to review the conclusions and results by an outside party, it inevitably sacrifices something in terms of the flavor of the situation, so that some of the finer, and sometimes quite important, details may be lost

or modified in the telling. This is another way of saying that in many cases we are not dealing with actual source materials, but with something one step removed. Fully to realize the benefits of the case method, it would appear desirable to have the reporting done by the person having responsibility in the situation.

A project as significant as the Case Reports deserves and requires continuing exertions both on the part of its sponsors and on the part of students of public administration who are in a position to contribute to its advancement. It is to be hoped that the Special Committee will continue and if possible intensify its efforts, and that the next five years will see a substantial addition to the excellent beginning that has been made.

HARRY L. CASE.

Tennessee Valley Authority.

Airports and the Courts. BY CHARLES S. RHYNE. (Washington, D. C.: National Institute of Municipal Law Officers. 1944. Pp. viii, 222. \$5.00.)

This little book is a manual for the use of specialists and practitioners in the field of commercial aviation. As its title indicates, the book is designed primarily for the use of lawyers. It is written, however, broadly and clearly, with a minimum of legal vocabulary. It should prove a valuable guide to state and municipal administrative officers who have to deal with the governmental problems of public transportation by air. Much wise advice is contained in it.

The eight chapter headings mark the scope of the book: Airport Acquisition—Condemnation of Property for Airport Purposes—Airport Leases—Regulations Governing Use of Airports—Taxation of Airports—Damage Claims against Airport Owners and Operators—Airspace Rights of Aviators and Landowners—Airport Approach Protection. The mold of each chapter is the same. The subject-matter is carefully subdivided topically; the leading cases on each point at issue are cited, with the relevant cases collected in footnotes; and each chapter ends with summary conclusions. At the end there is an elaborate index (it fills thirty-one pages) which completely breaks down the field of study. The whole work is fortified by references in the footnotes to the literature of the subject, and these citations are linked with the story of the cases.

While the title of the manual does what it was meant to do, it still does not reveal the full interest of the material. One gets here for the first time an outline sketch of the many and complex relationships of which the airport is simply the core. The longest chapter in the book, for example, is not that on the acquisition of airports (28 pages) or that on airport protection and zoning (27 pages), but the one on the rights of aviators and landowners in the airspace above the property or airport in question.

This chapter fills eighty pages, and takes the author back to the origin of the common law maxim that a landowner owns all the air-space above his property and all the ground below. This apparent lopsidedness is due, not to the partiality of the author for this branch of law, but to the line of development which both statutes and decisions have taken; and this aspect of the book makes it of value to social scientists other than lawyers.

The backbone of the book remains, however, the cases. As the author puts it in his preface, here are collected "in one place all of the decisions of the courts involving airports." The work is authoritative and as complete as is the present development of the law. It is beautifully articulated, and equipped with every facility for precise reference.

PERCY THOMAS FENN, JR.

Oberlin College.

Parliamentary Representation. By J. F. S. Ross. (New Haven: Yale University Press. 1944. Pp. 245. \$3.00.)

This book is a study of the representative character of the British House of Commons, timed from the election of 1918 to that of 1935. Part I is a detailed factual analysis of the members in the Parliaments of the period, with respect to their age (at first election and at general elections), their school and university education, occupations, connections with hereditary titles, and party affiliations. Part II is a critical study of the factual analysis and the factors which lead to the results. Part III proposes a series of reforms to remedy the defects of the present system.

The largest age group of members for all parties at first election consisted of those between 41 and 51, and at general election those between 46 and 56. But the Conservative party has a larger proportion of younger members, and the Labor party a larger proportion of older members. The average age of all members at general elections has averaged eight years seven and one-half months higher than the average age of the adult population.

In formal education, the larger proportion of Conservative members have passed the "public schools" (especially Eton and Harrow) and Oxford and Cambridge; the Liberal members are more largely from other secondary schools and universities; while most of the Labor members have had only an elementary education.

By occupations, two-third of the members are from public administration and defense, commerce and finance, not gainfully occupied, and professional occupations (mostly barristers). However in many other groups, members are mostly employers and managers, and few are from the far more numerous operative workers. Miners are more largely represented than other groups of workers. More than half the members are lawyers, company directors, or trade-union officials.

At least two-sevenths of the members in the average house are members or relatives of titled families, nearly all in the Conservative and Liberal parties.

Lastly, a comparison of the aggregate vote for the three major parties with the election results shows the outcome to be largely a "gamble." For seventeen years out of twenty-four, the Conservatives have dominated the government while a minority in the popular vote. Yet in 1929 a Labor vote of thirty-eight per cent of the total produced a Labor government, while in 1935, a Labor vote of forty per cent of the total resulted in a strongly anti-Labor government. In most of the elections from 1922, the Liberal members elected have been far fewer than their proportion of the popular vote.

In analyzing the factors explaining these conditions. Mr. Ross gives most attention to the cost of elections and other financial matters, and to election and party methods, especially the system of single-member constituencies. With respect to age, education, and occupations, he does not advocate proportionate representation of each group, although he is dissatisfied with the extremes under present conditions.

The principal remedies proposed are financial and electoral. The cost of elections should be borne by the government, and the salary of members should be increased to an amount which would enable a member to meet a reasonable standard of life without outside sources of income, thereby relieving the handicap on candidates without such resources. Elections should be by constituencies with from three to seven members each, chosen by the single transferable vote, so that the party membership in the House of Commons would correspond approximately to the popular vote in the country as a whole. Other subsidiary reforms are also proposed.

The study is carefully done, and the discussion is temperate in tone. The electoral system proposed would tend to strengthen the Liberal party in Parliament and the tendency toward coalition governments. To a considerable extent, similar factors could be shown in the United States.

JOHN A. FAIRLIE.

University of Illinois.

Faith, Reason, and Civilization; An Essay in Historical Analysis. BY HAROLD J. LASKI. (New York: The Viking Press. 1944. Pp. 187. \$2.50.)

Mr. Laski has written in this volume a confession of faith in the Russian Revolution. Those who do not share in the *mythus* of Stalinism, therefore, may pass it by, since the author has not written such a documented or factual account that one's opinion of the Soviet régime is likely to be altered.

The geometry of the argument might be stated as follows: We are living in a revolutionary time which is expressed in measure by war and the loss

of our once accepted values. We must have a renovation of a commonly accepted faith and a system of values that we can believe is embodied in our civilization. These values will not come from Christianity, since Christianity no longer inspires the masses as it did before Constantine, and the churches, both Catholic and Protestant, are instruments of the ruling classes and servants of the acquisitive society. Nor can new values come from the intellectuals, for they either cannot see the issue before us (i.e., the Marxian system) or they are sycophants of reaction (pp. 96, 125). The Russian Revolution, as it *was* under Lenin and as it *is* under Stalin, alone meets the test of creativeness in the restoration of values and the saving of civilization when victory gives us another chance. There alone the masses have hope, and thence must the rest of us journey.

Mr. Laski's wooing of Clio has not been a frustrating experience, as it must obviously have been to those who are not Marxian materialists. Christianity and Marxism are the two great contenders for the future loyalty of the masses. While the author condemns the pragmatic principle of historical success, he does not face squarely the issue of what ideas are true and what are false. The Christian thinker must insist that the chief problem is not earthly success or failure, or whether Christians have been worthy of their trust, but whether Christianity is true in principle and in foundation. Perhaps a different book would have resulted had the author on this plane of argument followed out his admission that the passionate Christian "affirmation of the right of each human being to fulfill his individuality" is the only source of a new faith for the postwar generation (p. 37).

"Stalingrad is the resolution of a problem," says Laski, that the common man must solve or die (p. 43), but the social democrat might counter that the murder of Ehrlich and Alter, the treatment of the Warsaw underground, and Russian imperialism resolve as much. The ugliness and brutality of Stalinism is admitted and the contemporary return to the Russian national tradition is ignored. For non-Marxians, Laski's defense of Soviet terror is the most disturbing feature of the book. The Communist party did not leave its faith to the mercy of "the chance decision of an electorate" (p. 158). The Soviet citizen "is constrained to the acceptance of the fundamentals of his faith" (p. 159), and that citizen enjoys a "democracy of a secondary order He may not criticize Stalin . . . but he can criticize his foreman or his manager . . ." (p. 159). And "it is only where its consequences are deemed unimportant that men are prepared to abide by the results of reason and peaceful discussion" (p. 161).

In contrast, most Americans would argue that the Anglo-American democratic tradition is more likely to save civilization than Mr. Laski's Muscovite prescription.

FRANCIS G. WILSON.

University of Illinois.

Las Ideas Políticas de José Manuel Estrada. BY SALVADOR M. DANA MONTAÑO. (Santa Fé: Imprenta de la Universidad. 1944. Pp. xv, 246.)

Professor Dana Montaña would probably agree that the great intellectual stature of José Manuel Estrada is best measured in terms of his two most significant achievements: He laid the doctrinal foundation for the as yet unrealized liberal-democratic state in Argentina, and he first focused historical, analytical, and comparative methodology on the organization and function of Argentine government, meriting the distinction of being "... the founder of Argentine political science." Profundity of thought matched by integrity of spirit characterized his intellectual production during Argentina's turbulent formative period. Ideological conflicts, provoked by Spanish colonial authoritarianism and prolonged by Argentine *caudillismo* in the early independence years, approached maturity and groped for reconciliation during the span of Estrada's lifetime (1842-94). From his chair on the Faculty of Law of the University of Buenos Aires, in the decade 1870-80, he fathered a doctrine and a science. It is appropriate, therefore, that Professor Dana Montaña should have selected Estrada to begin the series of the Institute of Juridico-Political Investigations of the National University of the Littoral on the Argentine masters of political science.

Estrada accepted procedures and ends in government only if in accord with liberal doctrine, the value apex of which was the innate right of liberty of man (p. 82). Paralleling Duguit's philosophical assumption that "society is a natural fact" (p. 106), Estrada dismissed the social contract theory, and argued that man's liberty could be reconciled with government only in a democratic system in which universal suffrage is recognized as a "natural, universal, and absolute" right (p. 130). Freedom of speech, press, and assembly constituted logical and necessary corollaries. Analysis of theory of the state did not preclude penetrating examination of specific problems. Estrada vigorously championed the secret ballot as early as 1873, urged the adoption of proportional representation, called for abolition of indirect election of the president, and realistically appraised federal government in Argentina, correctly insisting that unless the prerogative of federal intervention were curbed, local and state government would pale and die in the shade of strong national administration.

Political scientists will welcome this volume. It has value; at the same time, however, two sharp weaknesses stand out. Dr. Dana Montaña has failed to subject Estrada's political concepts to searching evaluation. Instead, he has expertly assembled from Estrada's twelve volumes of writings his views on constitutional law, individual liberty, rights, and guarantees, the state, representative system, suffrage, federalism, and municipal organization, but in so doing has illuminated the heights but not the shadows of Estrada's thought. Thus, he does not attack Estrada's tend-

ency to allow strong religious beliefs to color his political philosophy ("... absolute sovereignty resides [only] in God" (p. 122); nor his weak reasons for denying the suffrage to women (they do not possess the right naturally and giving them the ballot would "... endanger democracy, liberty, and the order imposed by God on human societies") (p. 143); nor his failure to appreciate the rôle of political parties in a democracy (pp. 175-176). In addition, Dr. Dana Montaña twists Estrada into conformity with political prejudices. He skillfully interprets Estrada's attempts to devise forms and procedures compatible with the Argentine political climate to be a defense of modern nationalistic trends in Argentina (pp. 242-244); and he seizes upon Estrada's contention that the right to vote is inherent in citizenship (p. 132) to footnote his own advocacy of a ballot for Argentina limited to those "capable" of exercising it.¹

WILLIAM S. STOKES.

Northwestern University.

Revolutions in Russia; Their Lessons for the Western World. By G. R. TREVIRANUS. (New York: Harper and Brothers. 1944. Pp. viii, 303. \$3.00.)

Not the least of the virtues of this volume lies in the fact that it fills a currently much felt need for a layman's outline history of the Russian revolution. Other authors have attempted to supply such a need; but none has done it so ably in so brief a compass or so honestly and dispassionately. Here are both the black and the white; and here, too, is an attempt to trace causation of events of the epic drama of revolution in so far as the cataclysmic and often fortuitous unfolding of such a movement in history permits of this scholarly luxury. Nor is the panorama of events a truncated one. The author has done justice to the uncoördinated and abortive developments of 1905 and provides a satisfactory review of the intervening years up to 1917 and the still-born March Revolution of that year. In succeeding chapters he carries forward the material and political evolution of the Soviet Union from the pioneer experimentation of Lenin and his colleagues among the Bolshevik oligarchs, through the transformations wrought by the nationalistic dictatorship of Stalin, and into the Union's belligerency in the Second World War. Space is even devoted to the Revolution's chief unfinished business, which in the author's opinion is the age-long peasant demand for proprietorship of the land, a demand which he thinks will some day eventuate in outright concession of private ownership or the introduction of really self-governing agrarian coöperatives.

Although the historical analysis of the revolutionary era takes up about

¹ See the author's review of Professor Dana Montaña's contribution to *Estudios sobre la Constitución Nacional Argentina* (1943) in *Political Science Quarterly*, June, 1944, pp. 303-304.

five-sixths of the volume, the author apparently intends this analysis to be a preface to his evaluation of the Soviet's future relations with the West, the subject of the final chapter. In this he considers the possibility of reconciling the traditional values and essentially legitimist postwar aims of the West with the prevailing aims of the Kremlin. His conclusion about the prospects of such a reconciliation is optimistic. The Russian price for a durable accord may be high. The author recognizes that it will include territorial acquisitions in Europe and Asia which in this reviewer's opinion will make the Atlantic Charter seem more than a bit ridiculous; and he suggests a demand for the extension of Russian diplomatic and military influence over other areas on the Soviet's periphery which, if acceded to, will so expand the Russian sphere as to convince any map-maker that Russia is indeed the "heartland of the world island." The author appears to believe that the English-speaking powers can safely legitimize this aggrandizement. The Soviet's conversion to nationalism under Stalin, he thinks, is sincere and the West can confidently anticipate that Russia's future world aspirations will fall into the predictable framework of the traditional Tsarist policy and not into the unpredictable framework of world revolution. The "Communist bugbear," Mr. Treviranus thinks, has been permanently laid away. Moreover—and this is a crucial consideration—the Soviet is one of the "have" nations and its energies are likely to be absorbed for generations in internal development rather than in adventures beyond its frontiers. For this development, furthermore, Stalin will need the benevolent assistance of the West. Hence he too has a real interest in fashioning a durable accord with the West.

The author's optimistic conclusion as to the durability of a postwar accord between Russia and the West on these terms is plausible, but not always convincing to those who have carefully studied the revolutionary record which he has so ably presented. Authoritarian heirs of revolution, like the present dictator of the Kremlin, have discovered in the past that they cannot successfully contain or resist the forces unchained by revolution even when they wished to do so. Moreover, there is an old-fashioned belief, especially current on this side of the Atlantic, that amoral Machiavellian opportunism becomes a habit, even when practiced by those who are responsible for the affairs of a revolutionary state. But if a choice remained for those whom Mr. Treviranus has not succeeded in convincing—and events have made it fairly clear that no choice does remain—they would, for the greater part, perforce accept the formula of the postwar accord among the "Big Three" which he recommends. For there is another old-fashioned axiom usually acted upon even by those who believe that expediency corrupts virtue. Its essence is that when one must choose between two evils, one chooses the lesser. For those who must make this somewhat Hobsonian decision, there is at least the reassurance to be

gained from the fact that an honest author has surveyed the worst and is optimistic about the results of the course which the West will feel compelled to take.

ARNOLD J. ZURCHER.

New York University.

British Colonial Theories, 1570-1850. BY KLAUS E. KNORR. (Toronto: The University of Toronto Press. 1944. Pp. xix, 429. \$4.00.)

Dr. Knorr presents a comprehensive survey of British colonial theories of the period indicated by the title. Throughout the book attention is consistently focussed upon views concerning emigration, imperial expansion, colonization, and colonial policy. The interplay of political, economic, social, and religious factors is shown very clearly, and so are the connections between these and colonial trade and tariff policies. Occasionally the colonial theories are linked with the broad theme of English political thought, but the political history of the British Isles is left out of the picture. The author shows restraint when he touches the difficult topic of the practical results of the theorizing. While this must be commended as very prudent, the general effect is that a work of this type seems, so to speak, to be suspended in the air because readers will ask whence and why did these theories originate and to what did they lead.

Dr. Knorr has examined a great mass of printed material, both original sources and books dealing with his main topic, and he quotes extensively from writings and speeches of men who took a special interest in British overseas expansion. The great luminaries, Francis Bacon, Josiah Tucker, Adam Smith, and Edmund Burke, receive, of course, much attention, but lesser lights such as J. D. Hume and David Buchanan are given considerable space. The number of men discussed is so large and, generally speaking, so complete that it is with some hesitation that the reviewer ventures to suggest that J. R. Godley might have been treated more fully since his leading articles in *The Morning Chronicle* carried much weight, and that Sir James Mackintosh should not have been omitted.

Viewing the various colonial theories in historical retrospect, perhaps those of Bacon and Burke will command the greatest interest. With prophetic vision, the great Elizabethan advised his countrymen not to found colonies with "wicked and condemned men" and not to restrict colonial commerce. On the positive side, he urged just and gracious treatment of the natives and that colonists must be given an opportunity to "live well." Bacon appreciated fully the connection between sea power and empire—"the wealth of both Indies seems in great part but an accessory to the command of the sea"—and, anticipating some of the great Victorians, he warned that empires might become, like trees with boughs, "too great for their stem." One may detect a certain affinity between some of Bacon's

theories and those of Burke, the application of which resulted in the British Commonwealth of Nations of our own day.

As might be expected, Dr. Knorr traces the relationship between colonial theories and mercantilism, the industrial revolution, and free trade. He has a just appreciation of the effects of the American revolution upon colonial theory, and, unlike some Canadian historians, he does not assign undue importance to the constitution of Nova Scotia. In the discussion of early nineteenth-century theories, those propounded by E. G. Wakefield are quite naturally allotted much space; but no attempt is made to draw a line between Wakefield's basic principles of colonization and his "sales talk."

Some students of British empire history and government may wish that Dr. Knorr had devoted attention to the influence of Puritanism on colonial theories and to the emphasis of colonial reformers upon freedom as a cement of empire. However, all will feel indebted to him for a masterly review of a great deal of difficult material.

PAUL KNAPLUND.

University of Wisconsin.

The Indian Problem. By R. COUPLAND. (New York: Oxford University Press. 1944. Pp. 711. \$5.00.)

Is imperialism on the way out? The present trends do not point in that direction, in so far at least as concerns India, the largest single colony in the world. India has become the symbol of colonial imperialism, and a reading of Coupland's *Indian Problem* gives the impression that the unreconstructed nineteenth-century British reactionaries mean to hang on to colonial status for India. The subtitle of the book is "a report on the constitutional problem of India." Actually, the volume is a whitewash report on the British occupation of India.

Dr. Coupland, who teaches colonial history at Oxford University, divides his work into three parts. The first deals with the Indian problem from 1833 to 1935, the second takes up Indian politics from 1936 to 1942, and the last speculates about the future.

The volume sheds no new light on the Indian problem. The Muslim bogey, the prince's bogey, and the invader's bogey are discussed in much the same way that they have been discussed before in a hundred official reports. There is the typical ranting against the Indian National Congress. There are the usual innuendoes against Gandhi, Nehru, and other Congress leaders. Little attention, however, is paid to the fiscal and economic aspects of the relation between Britain and India—India, the brightest jewel of the imperial crown, the juiciest plum in the imperial pudding.

The author is amazed at the "swift process of constitutional advance"

achieved when the act of 1935 was imposed upon India. He fails to mention that this so-called constitution, London-made, has no bill of rights, that the army, the national finances, and foreign affairs are beyond the control of the legislature, and that the viceroy rules India with absolute veto.

Much worry is expressed over the alleged dictatorship of Gandhi. Presumably when an English lord rules India by edicts and fiat, and holds thousands of people in jail without trial, that is no cause for worry. It is democracy. The problem of India today, as viewed by one American realist, is simple: it is Britain.

H. N. Brailsford, the well-known British publicist, in his recent book, *Subject India*, says that India is "the outstanding example of modern imperialism" and that India should now be liberated. Coupland does not believe that Englishmen should disengage themselves from their self-appointed mission in India. It is, as he phrases it, "a question of principle"—a white man's burden. Toward the end of his heavy treatise, he poses this rhetorical question: "Can anyone believe Britain would be justified in leaving India exposed to attack from without and to anarchy within?" Might not a Japanese imperialist, conscious of his "mission" in China, ask the Chinese the same kind of question?

The author is a highly intelligent and industrious man who happens to be a professor, but a man whose point of view as revealed in these pages seems more like that of a promotion expert, a sales manager intent upon "selling" Britain's empire to America. The result is tedious.

SUDHINDRA BOSE.

State University of Iowa.

The French Colonies, Past and Future. BY JACQUES STERN. (New York: Didier, 1944. Pp. xviii, 331. \$3.00.)

Popular books on politics as a rule are either optimistic or pessimistic. This volume is neither; it is rather to be classified as "enthusiastic." M. Stern, a former French minister of colonies (1936), waxes eloquent over French colonial administration, and beginning as far back as the Crusades, he finds that wherever the French have gone they have brought glory, excellence of administration, and civilization. So spirited and uncritical is this justification of French colonial policy that its appeal loses strength. The volume covers the rise and fall of the first French colonial empire, the development of the second, and the administration of the mandated areas. In a section entitled "France Abroad," the author has seen fit to discuss the Huguenots at the Cape of Good Hope, the Panama Canal, and the French in Persia. Apropos of the Canal, M. Stern concludes: "It was really a Frenchman who created it."

Covering so large a subject in so brief a space, the author indulges in an

unfortunate simplification, the net impression of which is not always in accord with fact. For example, in the four pages devoted to Tunisia there is no reference to the fact that in 1862 the Bey borrowed some thirty-five million francs abroad, chiefly from French money-lenders; to the fact that French bond-holders wanted protection for their investments and finally outright intervention; to the machinations of Rustan, Jules Ferry and others, to thwart Italian ambitions in Tunisia and to establish a protectorate. Thus, this is but a surface account of French colonial policy.

One discovers in this volume little of the essential nature of French colonial administration. It is enough for the author to declare in connection with Tunisia that "the mixed administration of our colonies . . . is the essential guarantee of the success of our colonial policy. The work of adaptation of French law to Moslem tradition was begun . . . in 1882. The promulgation of our codes, informed by the Koran but adapted to modern needs, does honor to our first proconsuls who were responsible for them. As for Tunisian economy, Paul Bourde bent all his efforts to developing the wealth of the country as rapidly as possible. Great prosperity and sound finances are the pride and the achievement of the protectorate." This same defect, uncritical laudation, is noticeable in the discussion of the other colonies.

In the first chapter, M. Stern attacks Wendell Willkie's condemnation of the colonial spirit and the "imperialism" of Great Britain, France, Holland, Belgium, and Portugal. "The goal of the world," says the author, "is to multiply such organisms as the British and French empires, which are real Leagues of Nations in embryo, because they alone are capable of surviving, as has been demonstrated by two wars, and because without them there is no effective guarantee of peace."

At the end of the volume there is a statistical survey of the French colonies taken from *Statistique Générale de la France*, 1936 and 1937.

C. GORDON FOST.

Vassar College.

The Tyrants' War and the Peoples' Peace. BY FERDINAND A. HERMENS. (Chicago: University of Chicago Press. 1944. Pp. xiii, 250. \$2.75.)

Professor Hermens' study is another effort to enlighten us on the German problem. It is one of the least vindictive solutions offered, and his reading of German history and character is presented as one of the most objective now available. Professor Robert M. MacIver, in his introduction, urges that such a dispassionate appraisal of Germany was never more timely, while the publishers frankly recognize that the book may not be popular with the peoples of the United Nations today. Mr. Hermens, a former member of the Catholic Center party, left Germany in 1934 to escape the Nazi rule. He is now a citizen of the United States and professor of political science at the University of Notre Dame.

The author does not suggest a necessarily "soft" peace for Germany. He cautions against the dismemberment of the nation and believes that the Germans themselves should punish the war criminals. He would dissolve the cartels in Germany and, in an effort to provide the basis for a more democratic society, would favor the expropriation of the Junker estates. He dismisses the fear that any future German attempts will be made toward expansion. This is based upon two assumptions: first, his belief that the military defeat of Germany and its losses during the present war will be a sufficient lesson; and second, that the Nazi program has never been accepted seriously by a large majority of the German people. It appears also that the author underestimates the influence which Nazi training has had upon German youth bred only in the climate of the totalitarian state. With this reading of recent German history, he has made the usual distinction between the Nazis and the "other Germany." The logic of that division, if it is made in extremes, does not lessen the confusion now apparent in the conflict between those who favor a soft peace and those who favor a hard peace for Germany. It leads inevitably to a concentration upon the German question alone.

"Peace," the author rightly states, "means the re-establishment of a durable pattern of relationships among the peoples of the world, including the vanquished. . . ." But the central issue confronting the peace-makers is not the German problem. Rather, the continuance of the coöperative relationships established among the powers now arrayed against the Axis is of paramount importance. Can we not admit that the calm, objective approach to the German question will not be heard now above the welter of voices clamoring for a vindictive peace? Then we may concentrate on those "relationships," charged with less emotion and hate, from which we may hope for enduring peace? Surely Germany has been in the past, and may in the future prove to be, a disruptive force. Yet if the peoples of the world can be assured that the Great Powers will agree to the terms imposed on Germany, and agree to altered solutions later *if necessary*—not only with respect to Germany, but also as to other conflicts which will inevitably arise—then indeed the "durable patterns of peace" may emerge. Germany—good or bad, united, industrialized or otherwise—would then be unable to wreck the peace.

GRANT S. McCLELLAN.

Foreign Policy Association.

Geopolitics; The New German Science. BY ANDREW GYORGY. (Berkeley: University of California Press. 1944. University of California Publications in International Relations, Vol. 3, No. 3, pp. 141-304. Paper. \$1.50.)

According to Strausz-Haupé, there were in a recent German bibliographical list no fewer than three thousand books under the heading of

Geopolitik. The connotations and ramifications of this vast literature were summarized and brought home to Americans in 1942 by the publication in this country of a half-dozen books on the subject. Under these circumstances, is there need for still another critical analysis of geopolitics? Andrew Gyorgy believes that there is such a need and has accordingly written a careful and scholarly monograph.

The author holds that German geopolitics is "human geography adapted to modern totalitarian politics" (p. 141). Historically, it can be regarded as a new version of older environmental theories which reach back through Montesquieu and Bodin to Aristotle, but which received more precise formulation at the hands of men like Ritter and Ratzel in the nineteenth century and Kjellén and Mackinder in the early twentieth. As it developed in the intellectual climate of nineteenth-century Germany, geopolitics became mixed with organic theories of the state, social Darwinianism, nationalism, and imperialism. The culmination of the process is reached in the works of Haushofer and his disciples in the years since World War I. Gyorgy deals not only with Haushofer's own ideas, but also with those of his less well known collaborators of the "Munich International." After the National Socialist Revolution of 1933, *Geopolitik* was institutionalized and heavily propagandized by the Nazis. It lost such scientific elements as it had previously possessed and became "a new totalitarian science merging geography, politics, and an aggressive brand of imperialism into a mystical yet powerful combination" (p. 276). It spawned a new set of disciplines such as *Geo-Psychologie*, *Geo-Medizin*, and *Geo-Jurisprudenz*, all dedicated to the pursuit of absolutist ideals of power politics and race.

While the ground covered by Gyorgy is much the same as in the previous works of Dorpalen, Whittlesey, Strausz-Haupé, Mattern, and Wiegert, his account is systematically organized and heavily documented. Among the valuable features are the extensive critical footnotes, a discussion of the literature of geopolitics, and a bibliography covering sixteen pages. On the other hand, the book contains none of the intriguing maps so dear to the hearts of German geopolitical writers. Although the monograph will probably win no wide popular acclaim, it has real value as a standard reference work.

ROGER H. WELLS.

Bryn Mawr College.

The Danube Basin and the German Economic Sphere. BY ANTONÍN BASCH.
(New York: Columbia University Press. 1943. Pp. xiv, 275. \$3.50.)

A Challenge to Peacemakers. EDITED BY JOSEPH S. ROUCEK. (Philadelphia:
The American Academy of Political and Social Science. 1944. Pp. 176.
\$2.00.)

The public discussions of the shape of the peace to come, as well as the official deliberations as far as we are apprised of them, have made certain the solutions of only two problems: the treatment of the enemy, at least in general outline, and the establishment of an international organization somewhat after the model of the League of Nations. Not much attention has been paid to, and no solution has been shown for, the problem whose importance overshadows the other two, that is, on the basis of what positive principle the nations of the world can live peacefully together.

It is with this problem that Dr. Basch deals. Even though he limits the discussion to the Danube Basin, the aspects of the general problem and the conditions for its solution emerge from his penetrating analysis of past errors and economic facts. It was the great weakness of the peace settlements of 1919 that they concentrated all attention upon the weakening of the defeated enemy and the erection of a world organization while not even asking the question of how the new nations in Eastern and South-eastern Europe would be able to live politically, militarily, and economically. The principle of national self-determination may be a valid standard for the constitution of nations, yet it is unable to provide a rule for their political, military, and economic life.

The newly created nations of the Danube Basin learned to their sorrow the truth of this statement. Dr. Basch shows how and why these predominantly agricultural countries became the victims of a continuous economic crisis aggravated but not at all created by the collapse of 1929. He shows also that in view of this chronic economic crisis and the lack of understanding and interest on the part of the Western powers, the economic domination of the Danubian region by Germany became inevitable. His analysis of the German policies of planned balance of payments and bilateral trade agreements is especially valuable. These policies were naturally instituted in order to further the political, military, and economic interests of Germany and served this purpose well. But they did not solve the problems of the Danubian countries.

Dr. Basch does not believe that the Danube Basin can solve its economic problems by its own efforts, and he does not favor the establishment of a Danubian federation. He is convinced, and we think rightly so, that, historically and functionally, the Danube Basin is an integral part of the European economic system and that a solution of its economic problems can be found only within the framework of Europe as a whole.

The March, 1944, issue (Vol. 232) of *The Annals of the American Academy of Political and Social Science* deals not only with the Danubian Basin but with Eastern Europe from the Baltic to the Black Sea, and it deals with the political rather than the economic problems of this region. The approach of the different authors is mainly analytical and takes its point of departure, as it should, from the problem of nationalism. Only two

contributions deal with the future. The volume contains valuable material for theoretical and practical attempts to create unity out of the anarchy to which a mechanical application of the principle of national self-determination has led the nations of Eastern Europe.

HANS J. MORGENTHAU.

University of Chicago.

Woodrow Wilson and the Lost Peace. BY THOMAS A. BAILEY. (New York: The Macmillan Company. 1944. Pp. xii, 381. \$3.00.)

In this timely volume, an outstanding diplomatic historian matches his hindsight with an outstanding war president's foresight. Taking deliberate advantage of the perspective of time, Professor Bailey submits President Wilson's career as peacemaker to a critical reappraisal. With complete sincerity and intellectual honesty, he tries to point out the explicit factors in Wilson's failure to achieve a lasting peace, "to the end that we may not make the same mistakes again." This is a courageous undertaking for any writer, particularly at a time when all the forces of history, assisted by Hollywood, conspire to revive the cult of Wilsonism and the power of its oracles. It is a type of historical interpretation that political scientists can only applaud. So great are the dimensions of the subject, however, that heroic standards must be applied to the critic. We may readily credit him with a stimulating essay for undergraduate students. Has he also presented a case so convincing and so profoundly reasoned as to enable contemporary peacemakers to know the pragmatic right and wrong of Wilson's actions and guide their steps accordingly?

There is nothing radically new or unfamiliar about the war president Professor Bailey introduces to his readers. As in the generally accepted version, Wilson opposes our entrance into the war until the eleventh hour and signs the Sussex ultimatum in spite of his ideals only after the Germans have left him no other recourse. At this point Professor Bailey pauses to reject the various theses that we were dragged into the war or that we entered it to save the Allies or redress the balance of power. The decision to fight, he says, was "made in Germany," and the President took it solely in defense of "the classic American principle of freedom of the seas." Once having taken it, however, he began to evolve and enunciate the loftier war aims of the Fourteen Points and to confuse them with the actual causes of our declaration of war. So eloquently and so fervidly did the President preach these higher principles that he soon had himself, his countrymen, and most of the war-weary peoples of Europe—including the Germans—believing that they were the true reasons for our belligerency.

This, Professor Bailey believes, was the greatest and most pervasive of Wilson's mistakes. He set forth on his crusade without knowing his allies' war aims or making sure that they would follow him. Out of this basic

error of judgment issued all the disillusionments, "blunders," frustrations, and failures that form the not unfamiliar substance of Professor Bailey's pages. We follow Wilson to Paris and through the devious bickerings of the Peace Conference to arrive at the end with some morals for contemporary peace-makers: "War aims should be unambiguous, practicable, acceptable to American public opinion, and closely correlated with the pronouncements of our allies." Emotionalism should be "held in leash." "American public opinion must be educated *in advance* to its responsibilities in world affairs. . . ." Unconditional surrender. A bipartisan peace commission. Cordial coöperation between the President and the leaders of both parties in Congress. A preliminary peace before the final treaty. "Workable machinery for peaceful change." Amendment of the Senate's treaty-ratifying power. Professor Bailey's final conclusion is that "Wilson had a noble vision, but he made the tragic mistake of thinking that mankind, without the proper preparation and education, could attain a kind of international millennium at a single bound."

This is no revolutionary indictment, but a rather conservative and by no means unsympathetic effort to explain our failure, in 1919, to attain ideals which Professor Bailey holds in common with President Wilson. It is a praiseworthy effort, but fails of greatness because, in the opinion of this reviewer, the author's text is too slight to sustain his conclusions. The simple narrative of Wilson at the Peace Conference, with its thumbnail sketches and anecdotes, neither reveals the man nor comes to grips with the basic issues with which he had to contend. It does not extend or revise our knowledge of Wilson sufficiently to enable us to judge either his motives or his actions with any greater certainty than heretofore. It merely registers one more well-informed concurring opinion in some practical decisions which, it would seem from current trends of policy, had already been made by Wilson's successors.

A. WHITNEY GRISWOLD.

Yale University.

The Coming Struggle for Peace. BY ANDRÉ VISSON. (New York: The Viking Press. 1944. Pp. x, 301. \$3.00.)

The immense literature on postwar problems may be classified into three principal groups: First, the literature dealing with postwar international organization in the legal or economic field, ranging from Utopia to Realpolitik, from wishful thinking to pessimistic despair, from sheer amateurism to highest scholarship. Second, the literature dealing with the political problems of the peace treaties, as a precondition for a chance of success of the postwar international organization. Third, the philosophical literature, dealing with the deepest reason of the present unhappy state of the world, the spiritual crisis of Western civilization.

The book under review definitely belongs to the second group. The author has voluntarily imposed upon himself certain limitations: exclusion of economic problems, although without failing to recognize their vital importance; second, the exclusion of the problems of Spain, Japan, Italy, and Germany, although fully aware that the problem of postwar Germany is *the* problem of Europe and of peace. Starting from the fact that the United Nations is not a spontaneous coalition, but was brought about only by adherents being successively attacked, and is, therefore, even more subject to the danger of disintegration, once the menace is over, he stresses the internal political problems of the United Nations. These must be solved to make a durable peace possible. The author does not propose ready-made solutions for all the problems; he wants primarily to give a full and objective exposé. His book is a book of information.

The author, a Russian-born American international journalist, has lived, studied, and travelled all over Europe and the Near and Middle East; he speaks from personal knowledge and experience as well as from studies. For these and other reasons, only a few pages are devoted to the postwar problems of the Far East. But ninety pages are given to the Near and Middle East, to "Arab Aspirations and World Politics," presenting a highly detailed and very valuable picture of the intricate problems of this area, little known to the general public.

The bulk of the book deals with postwar Europe; British-American relations ("the cornerstone"), Soviet relations with the West ("the crucial problem"), the Polish-Russian conflict ("the open wound"); the Baltic states and Finland, the rebuilding of France, the position of Holland, Czechoslovakia, the chaotic conditions of Yugoslavia and Greece, and the elusive problem of "Danubian Europe" from Austria to Turkey.

The author strongly emphasizes the extreme difficulties of a satisfactory European settlement: the "Big Four," that will take the principal responsibility, consists wholly of non-European (extra-European or semi-European) Powers. On the other hand, the peoples of Europe, creators of our civilization and of all the moral, political, and social doctrines of that civilization, while desperately divided among themselves, are, nevertheless, "traditionally rebellious, independent, and freedom-loving," so that it will be impossible to impose upon them from outside any general plan for Europe by force. There are, finally, the burning and exasperating nationalisms of Europe, little understood in America, yet provoking emotional reactions among Americans who have come from the European countries concerned.

The student of European affairs who knows Europe by living experience will learn little from this book. But since the author's presentation is correct, complete, and impartial, the volume constitutes an excellent source of information for the general public. It is, at the same time, a warning to

the diplomats of the Peace Conference: it shows that the making of a just and durable peace for Europe—even apart from the basic problem of Germany—needs more than good will and high principles; it needs full knowledge and a mastery of statesmanship in finding practically acceptable solutions in a hundred concrete cases, and constitutes, therefore, at the best, a Herculean task.

JOSEPH L. KUNZ.

University of Toledo.

Primer of the Coming World. BY LEOPOLD SCHWARZSCHILD. (New York: Alfred A. Knopf. 1944. Pp. x, 309.)

As the title indicates, *Primer of the Coming World* is a popularly written discussion of postwar problems and the solutions considered most desirable by the author. It is in primer form, a statement of principles terminating each chapter, and while at first intriguing, this style tends to cloy after the two-hundredth page.

Stripped of its trappings, Mr. Schwarzschild's argument is based upon the belief that a Third World War will be started either by Germany or Russia. The threat of Germany, he believes, can be eliminated by total, permanent demilitarization. Once complete German disarmament has been effected, he proposes to ensure its maintenance by Allied military occupation for a minimum of sixty years, until present generations imbued with militaristic ideas shall be extinct and a new race developed appreciative of the benefits of a civilization without an army. All other measures to maintain peace and prevent future German aggression, he considers and rejects without qualification as inadequate or ineffectual. A world security organization he deems valuable as an experiment in international coöperation, but no guarantee of enduring peace against a powerful Germany.

On Russia's rôle in the postwar world, Mr. Schwarzschild is undeniably pessimistic. He is an uncompromising supporter of nineteenth-century capitalism and a determined opponent of Communism. He is, moreover, very skeptical of Russia's willingness to remain within the borders which will be established at the end of the present war. Whether an expansionist policy will be motivated by return to the Communist ideal of world revolution or by a purely nationalistic desire for increased territory or increased power, the author is not sure. That Russia, not Great Britain or the United States, will be the potential menace to world peace, he is convinced. Without agreement among the Big Three, he states, peace is doomed; but he does not indicate how that agreement is to be achieved or maintained, except possibly by the avoidance of all issues leading to a clash of the conflicting ideologies.

In passing, it should be noted that Mr. Schwarzschild, while a gifted writer, is no economist. It is particularly in those sections which discuss

economic problems and economic forces in international relations that his book is weakest. His conclusion, for example, that there were no obstacles to Germany's payment of reparations at the end of the last war except German unwillingness to do so completely ignores the effect of high tariff barriers in the Allied countries. The procedure by which he proposes that heavy reparations shall be exacted from Germany under the coming peace treaty could not withstand the most generous criticism of a trained economist.

Nevertheless, as a stimulating exposition of the views of a liberal writer with wide experience, *Primer of the Coming World* well merits reading. The mere fact that it will arouse the violent disagreement of its economist or political scientist readers will be valuable as an aid in crystallizing the readers' own opinions on the controversial problems discussed. However, its over-simplified approach to these problems and their solution might well be misleading to the uninitiated.

D. BEATRICE McCOWN.

Vassar College.

Cartels: Challenge to a Free World. BY WENDELL BERGE. (Washington, D. C.: Public Affairs Press. 1944. Pp. vi, 266. \$3.25.)

A network of "private governments" of unbelievable power and viciousness is laid bare by the pen of the assistant attorney-general in charge of the anti-trust division of the Justice Department. The thesis is simple and all pervading: America can never have a foreign policy based on the principles of democracy and international good-will as long as international trade is dominated by cartels; and the greatest threat to our success in achieving full production and full employment at home is the philosophy and practice of privilege embodied in cartels. Mr. Berge's "big stick" is vigorous enforcement of the Sherman Act and the congressional power to investigate and publicize the hidden dealings of cartel interests.

The author justifiably claims that "the real usefulness of this book will depend upon its fairly detailed explanation of the operation of particular cartels, with direct quotations from letters, memoranda, and other documents" (p. iv). The study highlights the most glaring acts of cartel banditry rather than attempting to serve as a complete source-book. The misuse of technological research, the prostitution of the patent law, and international business machinations are vividly recounted in descriptions of cartel operations in certain major industries.

Specific instances where the public welfare and national security have been jeopardized are cited by recourse to practices in the drug, vitamin, and hormone industries and the abuse of such products as quebracho (used in leather tanning), titanium (a white pigment for paints, glass, etc.), and optical instruments. That this ruthless hookup has been but

temporarily and partially stymied by the war becomes only too apparent after a perusal of the quoted confidential documents.

The exposure of the dangers of cartelization is excellent. The suggestions, though, are reminiscent of those of reformers who sought, in vain, via the Sherman Act to restore completely free competitive enterprise functioning through small units. It is short-sighted to skirt tendencies which are inexorable and often desirable, namely, large-scale production with its accompanying technological advance and increasing internationalism. Bigness need not be a curse, but can bestow the advantages of economical and efficient production and susceptibility to public control. The latter is typified by the cooperation which the Office of Price Administration obtained toward the prevention of blackmarketing at the chain grocery store level.

Not the elimination of private business treaties, but international control of such agreements, will make for peace. The proposal of the Foreign Policy Association (*New York Times*, October 16, 1944) for registration of all such agreements, intergovernmental or private, with an international economic tribunal offers a hopeful beginning. This type of device both stems irresponsibility and parallels in the economic sphere the concordance among nations which we are seeking politically.

Berge's fact-finding and publicizing make the book extremely valuable. Unfortunately, his solution, by hitting only at the outer crust of the problem, lacks power.

RITA DAVIDSON.

Cambridge, Mass.

A Guide to Naval Strategy. BY BERNARD BRODIE. (Princeton: Princeton University Press. 3rd ed. 1944. Pp. xii, 314. \$2.75.)

In this book, it is made unmistakably clear that "sea power has never meant merely warships" (p. 2). Chapters devoted to "Land-Sea Operations," "Bases," and "The Air Arm of Sea Power" emphasize the great importance of intimate integration of operations ashore, afloat, and in the air, with numerous references to contemporary illustrations. The Battle of the Atlantic is headlined as "the key naval campaign of the whole war," because of the necessity of defeating U-boat inroads upon shipping so essential to the delivery of men and materials to European land fronts. Principles of strategy are stripped of any esoteric character by a realistic appreciation that they "have been garnered by intelligent reading of military history" (p. 10); also that "adherence to one principle frequently demands violation of another, and that there is no principle but admits of exceptions" (p. 11). The "Tools of Sea Power" are reviewed in non-technical language descriptive of the battleship (pp. 17-41), the battle cruiser (pp. 41-46), the cruiser (pp. 46-51), the aircraft-carrier (pp. 55-65), the

destroyer (pp. 65-68), the submarine (pp. 68-76), other combat vessels such as the corvette, frigate, destroyer-escort, submarine chaser, patrol boat, and landing craft (pp. 76-79), and auxiliaries of all types (pp. 79-80). Other tools are identified as anti-aircraft armament, rockets, torpedoes, and mines (pp. 80-90).

Under "Command of the Sea" is sketched a fascinating appraisal of ways by which fleets based on carefully selected spots (i.e., the British Isles, Gibraltar, Pearl Harbor, and Yokosuka in the present war) can exercise threat value as "fleets in being" (p. 94) and "general cover" of important sea lanes (p. 97). Chapter 5 is devoted to the important duty of defending shipping by evasive routing (p. 143), convoys (which are "not a great deal easier to find on the ocean than a single ship," p. 144), armed merchantmen, balloon barrages (p. 150), and aircraft patrols (p. 161).

The entire book is replete with examples drawn from actual events, maps, and drawings, and is supplemented with a carefully selected "reading list" and a good index.

W. LEON GODSHALL.

Miami University.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

Foreign Influences in American Life (Princeton Studies in American Civilization, 1944, pp. 254, \$3.00), edited by David F. Bowers is a symposium of eight essays. The discussion covers the social impact of foreign influences upon American culture, the Americanization of the immigrant, the ethnic and sociological factors of adjustment of dissimilar peoples, the ethnic and economic influence of European writers, the immigrants in American politics, foreign influences in American art, and the stimulus of Hegel and Darwin to American thought. Dr. James G. Leyburn, of Yale University, presents the view that similar cultures assimilate easily while racial differences, even of the same culture, produce cleavages. A Negro, notwithstanding his American background, remains a Negro because of his racial appearance. The same is true of the Oriental. The only solution, the author holds, is intermarriage, which he feels will not occur for centuries. Dr. Frank D. Graham of Princeton University traces the conflicting currents of foreign thought in American economy. The policy of Alexander Hamilton and Albert Gallatin was shaped by Adam Smith's *Wealth of Nations*. In opposition to the theory of *laissez faire* was that of institutionalized economy of Karl Marx. Darwin and Malthus contributed their pessimistic analysis concerning an improved standard of living. The author concludes: "We have not yet been very successful in melting the elements in our melting pot." The other eminent contributors to this stimulating book are David F. Bowers, Stow Persons, Oscar Handlin,

Donald Drew Egbert, and R. P. Blackmur. The book has an excellent critical bibliography. The chief criticism is that which applies to most symposia—a lack of unity, coherence, and integration.—MARY EARHART DILLON.

For many years, the South has been a field of regional research concerning its resources and ways of harnessing these resources so as to lift the region's admittedly low levels of production, income, and standard of living for the masses. More recently there has developed an articulate concern with the task of translating the results of research into social gain and action through education. John E. Ivey, Jr., discusses this task and what is being done about it in *Channeling Research into Education* (American Council on Education, pp. xviii, 187, \$1.25). He prepared this book for the Committee on Southern Regional Studies and Education, created by the American Council on Education, and has had the assistance of the General Education Board. The work and conferences of the committee are summarized and attention is given to the work of other groups, both regional and state. Without being comprehensive, the study explores the problems of resource education from elementary instruction to the top, giving consideration to great works like those of Howard Odum, Rupert Vance, and Charles Johnson, and also going into such matters as textbooks, pamphlets, films, and other popular aids. The fifty pages of "Selected Source Materials on Southern Resources and Problems" were not closely checked against inaccuracies. There are a few errors in names and dates; and John V. Van Sickle's *Planning for the South* was not published at Washington by the American University Press, but at Nashville by the Vanderbilt University Press.—H. C. NIXON.

New editions of texts are sometimes merely schemes to sell books. In the field of American government and politics, however, revisions are essential if the books are not to lose their usefulness. Texts in this field must be kept up to date in respect to new activities of government, new bureaus and divisions, transfers of agencies from department to department, consolidations, changes in title, new tax provisions, etc. The new (ninth) edition of Charles A. Beard's *American Government and Politics* (Macmillan, pp. viii, 872, \$4.00) will not need revision soon again, however. This famous text (it has been a popular text in this field since 1919) has always been known for its emphasis on principles rather than practices. Even so, there is an emphasis on first principles and a return to fundamentals in this edition that is particularly striking. Dr. Beard is worried about the survival of constitutional government—as many others of us are worried—and has permitted this feeling of alarm to become a strong motivating force in the preparation of this edition. Hence, compared with this basic issue, descriptions of techniques of administration

and discussions about the distinctions between "bureaus" and "divisions" become trivial matters. Thus it becomes more important to explain the primary principles back of the income tax than to bring the student up to the minute on the provisions of the law itself. It is more important to understand the powers and obligations of the State Department than to know the latest rearrangement of divisions within that Department. Moreover, such matters of fact may be found nowadays in the frequently revised editions of the *United States Government Manual*. Symbolical of this emphasis is the one new chapter. It is entitled "The Quest for Responsibility in Government." In it Dr. Beard discusses the interrelationships of the Congress, the executive, and the judiciary and analyzes the powers and responsibilities of each. Professors William Beard and Wilfred E. Binkley assisted in the revision. They, together with the author, are to be congratulated on a job exceedingly well done.—E. ALLEN HELMS.

The literature on the returning veteran of World War II is already considerable. Willard Waller, in his *The Veteran Comes Back* (Dryden Press, 1944, pp. xvi, 316, \$2.75); seems fully to realize the depth and comprehensiveness of the subject. His definition of the veteran is less tersely drawn than that of other writers and is more in accord with his presentation. In describing features and characteristics of veterans, it seems not easy to distinguish characteristics peculiarly attributable to veterans and those which may belong to the American, or group traits from traits which are general. The veteran group may be a pathological case group, but, also, are not other groups peculiarly so? This book, however, is an interesting and provocative discussion which will appeal to the general reader as well as to the serious student. The author takes the civilian through the transition into military life and returns him to civil life as nearly as can be with the development of an army "culture," and, returns him with a specialized and often misfit training, traits, and acquired attitudes, which, if not promptly and wisely dealt with, may embarrass and plague our society. Criticisms of past programs are offered and thoughtful suggestions are presented.—H. C. COOK.

FOREIGN AND COMPARATIVE GOVERNMENT

The thin pamphlet, *La Démocratie Française, Hier-Aujourd'hui-Demain* (Brentano's, pp. 79), by Roger Picard, [*Professeur à l'Université de Paris et à The New School for Social Research de New York*], deals pretty largely, and best, with French democracy today and tomorrow. One may approve the philosophical tone of the development throughout, but only with constant and painful reminders that scarcely enough oxygen is being supplied for the flight through the stratosphere in the historical section. Why is it necessary to try to prove that "France has always been democratic in its spirit" in order to demonstrate that the men who exercised

power in France since July, 1940, are not democrats? Picard deems it expedient (p. 37), to cite the works of others as "more ample demonstrations" of his views on the history of the French democratic spirit. A person of careful philosophical disposition, anxious to grasp the Star—the real nexus of French democracy—will find it described on page 74: "These three essential principles of democracy, liberty, equality, fraternity, have a common foundation, which is respect for the human personality." The foundation is established, perhaps more thoroughly in France than elsewhere, but the actual realization of the last two, particularly the last, of the principles may be debated. Fraternity requires greater nourishment than eloquence, and we must still await that tomorrow in which Picard tells us (p. 78) that the French will know how to proceed with the purification of their political morals rather than with "*une épuration partisane*." —J. G. HEINBERG.

Hitler's Words (American Council on Public Affairs, pp. xi, 400, paper, \$3.25), edited by Gordon W. Prange, is a collection of significant excerpts from about two thousand of Hitler's speeches between 1922 and 1943, presented in readable translations mostly from the *Voelkischer Beobachter* and other German newspapers. The excerpts are grouped according to topics. Beginning with a chapter on "Pillars of Faith," the book carries the reader through such topics as "Versailles Is to Blame," "Strategy of Peace," "Culture Politics," "Wilson's Fourteen Points," and "Pluto-Democracies," and it ends fittingly enough with "Visions of Defeat" and the funeral oration to the Axis by which Hitler on September 10, 1943, broke a long period of silence. While Dr. Prange's method of dissecting speeches and printing portions of the same talk under different headings and without reference to the particular occasion might seem less desirable for some purposes, it has very definite value in facilitating a quick if not all-inclusive review of the Fuehrer's statements on any major topic. The change in tone of Hitler's pronouncements concerning the Soviet Union before and after August, 1939, and after June, 1941, is made obvious by this topical arrangement; here we have chapter and verse for one of David Low's famous cartoons. Frederick L. Schuman's introduction is well worth reading for his sensible observations on the larger aspects of the problem of Hitlerism.—GERHARD KREBS.

The Making of Modern Holland (W. W. Norton, 1944, pp. 224, \$2.75), by Professor A. J. Barnouw of Columbia University, swiftly spans the "millenium of self-rule that dawned for the Netherlands around the year one thousand." Most of us know too little about many of our friends among the United Nations; this short history will give us considerable insight into the Dutch character. It is, in brief, the story of a respectable people, thrifty and industrious, "stubbornly attached to their individual

opinions and freedom of action." They neither planned it nor willed it; they were simply predestined to become "an independent, prosperous, and self-confident nation." In this little book there is no place for heroes and no time for swashbuckling. The course of political events is a neat chronology deftly outlined against the cultural, religious, and social background of the "work-a-day burgher world." Hooft, a seventeenth-century Dutch historian quoted by Professor Barnouw, remarked: "In this country the greatest changes were brought about through the instigation or at any rate the active compulsion of the common man." Writing from this perspective, Professor Barnouw perforce treats the tyrannies of Philip II, Louis XIV, and Napoleon as "incidents." Likewise the invasion of Hitler's hordes which suddenly terminated the liberal age of Queen Wilhelmina is but another "incident." Thus, the "stream of Dutch history, temporarily dammed and deflected by Nazi interference, will return to the bed which its free flow has cut across the ages." This is pleasant information and sincere historical interpretation.—MARION D. IRISH.

A pattern for subsequent allied military governments of occupied territories may be seen in *The Italy Gazette*, No. 1, a small octavo pamphlet of 42 pages containing the proclamations and general orders of the Allied Military Government of Occupied Territory and printed at the Allied Forces Headquarters Press, late in October, 1943. The fourteen proclamations, in English and Italian, of General H. R. Alexander, the general officer commanding the Allied Forces and Military Governor, are almost word for word identical with those in the three numbers of the *Sicily Gazette*, dated September 17 and October 20, 1943, and issued at Palermo. In most instances, the principal change is that the proclamations in the *Italy Gazette* are addressed "to the people of Italy" rather than "to the people of Sicily and adjacent islands." In addition to the general provisions of the first proclamations, the others deal with more specific topics such as war crimes, currency and exchange, allied military courts, the closing of financial institutions and establishment of moratorium, controller of property, dissolution of fascist organizations and repeal of laws, rationing, price-fixing, wages and agriculture, the *Gazette*, financial regulations, general police and security regulations, allied military lira, notes, and legal rights of the Italian people. The chronology of the proclamations presents some problems. October 15, 1943, is the date of the first, the general proclamation. The second, dealing with war crimes, is dated August 25, 1943. These two dates represent the extreme range in date of the other proclamations.—JAMES B. CHILDS.

One of the first reports on any part of military government operations in Italy seems to be that prepared by Brigadier General Edgar Erskine Hume, General Staff Corps, Chief, Military Government Section, Fifth

Army Headquarters (Senior Civil Affairs Officer), and printed at Rome in the late summer of 1944 under the title *Allied Military Government of Rome under the Fifth Army, 5-15 June 1944; Report to the Army Commander*. This volume of 146 pages describes the details of the various sections of operations at Rome, and includes the text of certain orders and notices issued by General Hume. The Report covers the brief period after the Fifth Army took Rome. Within a few days, the enemy had been pushed back, leaving Rome outside the combat zone. The Allied Military Government group for Rome was then taken over by the Allied Control Commission, and General Hume moved forward with the Fifth Army. As he mentions in the conclusion, "the Fifth Army always considered Allied Military Government as one of the sections of its General Staff, an attitude that greatly aided our work. The Allied Control Commission, which during the period of our planning absorbed Allied Military Government in Italy, was in technical control, and from that body we obtained material and personnel for the most part."—JAMES B. CHILDS.

Fichero de altos cargos is the title of a semi-official card-file directory of the government of Spain, published originally in the latter part of 1940 by Angel Estirado Pérez, an official of the Ministerio de Justicia, at Manuel Cortina 10, Madrid, and kept up to date by periodically revised cards. This takes the place of the former annual *Guía oficial de España*, publication of which was definitely suspended at the beginning of the civil war in July, 1936. The main arrangement of the card file *F.A.C.* is alphabetical by ministry, preceded by sections for the Jefatura del Estado, the F.E.T. y de las J.O.N.S. (the official party), and the Presidencia del Gobierno. Under each ministry and other main department, the cards are numbered so that the revised cards can be inserted easily as furnished. Under each agency is usually given the citation to the law or decree of establishment, and frequently to subsequent enactments, governing organization, and functions. The names of principal officials and of members of boards and committees are given, usually accompanied by reference to appointment as printed in the *Boletín oficial*. This indispensable tool of the Spanish government offices needs to be more widely known and used outside of Spain.—JAMES B. CHILDS.

In his *Facultades implícitas de investigación legislativa y privilegios parlamentarios* (Buenos Aires, Editorial Ideas, 1943, pp. 611), Manuel Andreozzi compares the situation in the United States with that in Argentina as a preliminary step toward legislation in the field when the Argentine Congress next meets. He enumerates the seventy Argentine congressional committees of inquiry, and deals with the principal ones. The practice of printing hearings, even of these special committees of inquiry, is rather infrequent. Usually the reports are printed in the *Diario*

de Debates of the Chamber of Deputies or of the Senate, and sometimes issued separately. The study takes up the problems not only at the national level, but at the state and provincial levels. The author, who is a professor of administrative law in the faculty at Tucumán, a former speaker of the Tucumán provincial chamber of deputies, and a former member of the Argentine Chamber of Deputies, has made a contribution which may be helpful in the understanding of the common parliamentary problems in the countries of the Americas.—JAMES B. CHILDS.

INTERNATIONAL LAW AND RELATIONS

Via Diplomatic Pouch (New York: Didier, 1944, pp. 248, \$3.00), by Douglas Miller, outweighs in value some dozens of the books and some hundreds of the articles on Germany now in vogue, mostly containing empty generalizations about the character of the German people or about the development of ideas, or dishing out idle speculations about conditions in Germany after Hitler, or purveying uninformed and useless proposals on how to deal with the Germans after Hitler. This book, by contrast, deals with facts of the past only—economic facts of the rise and development of Nazism, as observed and reported via the diplomatic pouch by the author, a former Rhodes scholar, while he served as a commercial attaché of the American embassy at Berlin. It is in the nature of such reports that they are written in a very sober style and will therefore make no appeal to the mass of readers who want revelations and predictions without regard to truth. This is a truly historical book in the best sense of the word, i.e., in the sense that it tells, as far as the author could see it, what actually happened. It is a fine proof of the author's scientific honesty that in this reprint of diplomatic reports he has altered none of the wrong conclusions at which he arrived in 1934 as to Germany's future. At that time he reported that in his opinion the Nazi economic hocus-pocus could not last longer than about two more years and would then collapse through lack of exports and foreign raw materials and through financial chaos. His own later reports prove him mistaken in this, a mistake redounding to his credit, for it was caused by the assumption that the outside world would see as clearly as he saw from the beginning that "you can't do business with Hitler." The enlightened leaders of the governments and businesses of this world, however, were "in their generation wiser than the children of light, and did do business with Hitler. In his report of October 21, 1937, the author points out how Hitler was still getting along because the others were all eager to deal with him and to let him play off one against the other and exploit all and every one. In vain was the warning which Miller repeated ever and again after 1933, and which he made the title of the little book published in June, 1941: *You Can't Do Business with Hitler*. The book under review is a worthy pendant to the late Ambassador Dodd's *Diary*, although by the nature of its origin less personal and lively than

that diary, and at the same it is a fine antithesis to another important historical source on the same period, viz., the book by the late British ambassador Neville Henderson, *Failure of Mission*—the confessions of a diplomat who, like his superior, Lord Halifax, proclaimed that one could do business, if not with Hitler, at least with Goering.—ERIC DALE.

Most students of Far Eastern affairs know of Dr. Horace N. Allen as legation secretary, chargé d'affaires, and eventually minister at Seoul during the period from 1890 to 1905. In *God, Mammon, and the Japanese* (University of Wisconsin Press, pp. xiv, 362, \$3.75), Professor Fred Harvey Harrington presents a full-length portrait of this one-time medical missionary whose diplomatic career in Korea covered the fifteen years in which that ancient kingdom was passing inevitably under the control of its Japanese neighbor. It is an interesting—at times even fascinating—but not altogether edifying, picture. From the record set forth by Professor Harrington, Horace Allen was thin-skinned and obstinate, with an unhappy tendency toward fighting with everyone with whom he came into contact. Sent from China to Korea by his mission board in the autumn of 1884, largely because of the fact that he had fallen into a controversy with his colleagues at Nanking, Allen seems to have got along nicely so long as he was the only missionary at Seoul. During the course of the next three years, however, a number of other missionaries arrived at the Korean capital, and Allen was at swords' points with all of them. Accordingly he resigned his post and accepted appointment as agent of the Korean government in the United States. Two years later, having received reasonable assurance of a post in the Seoul legation, he resigned from the service of the Korean government and returned to Seoul, once more as a medical missionary, there to await appointment. Even as a missionary, Dr. Allen had begun to take a hand in the political activities of the Korean capital, and his establishment in the American legation gave him almost unlimited opportunity for following his bent in this direction. As court physician—and consequently intimate personal adviser—to the Korean king, he exerted his not inconsiderable influence both in the field of international relations and in fostering the designs of his concession-hunting fellow-citizens. As a concession-hunter, Allen achieved some success, most notably in the acquisition of a gold mine from which the Oriental Consolidated Mining Company reaped an estimated \$14,000,000 in profits before it was compelled, in 1939, to sell its holdings to the Japanese for \$8,000,000. In the field of international intrigue, however, he was far less fortunate. Espousing the cause of Japan against China as a means of insuring Korea's independence from the Dragon Throne, he discovered—too late—that he was aiding King Stork to replace King Log and preparing the way for the advance of Japanese imperialism on the continent of Asia.—G. NYE STEIGER.

The preparation of a handbook on the people, resources, and industries of Japan in time of war has its difficulties. Clayton D. Carus and Charles L. McNichols have accomplished the task in their *Japan: Its Resources and Industries* (Harper, 1944, pp. xvii, 252, \$3.50) by utilizing in the main materials gathered before the outbreak of war. Beginning with the advantages the Japanese derive from the geographic location of the territory they occupy, the book deals briefly with the composition and characteristics of the population, and passes on to a detailed analysis of the resources and industries of the country. A unifying thread running through the volume is the manner in which the army and navy have mobilized the materials at hand to carry on aggressive action abroad. The authors do not subscribe to the theory that the Japanese, when faced with the necessity of accepting a lower standard of living or of carrying on a program of military conquest, chose the latter course: The Japanese, they think, can achieve prosperity under a system of free economy, if relieved of the burden of their military establishment, by importing raw materials and exporting finished products. The people are themselves classified in the book as a natural resource. It would perhaps be better to limit the application of that term to materials which nature provides and the people use. The assertion that the intelligence of the Japanese is above the average of the human race as a whole may also be questioned. The book is intended as an introduction to the field it surveys. As such, it will have its uses. The factual data are carefully selected and interestingly presented; carefully chosen photographs add a human and at times appealing touch.—RALPH A. NOREM.

The story of the aggressive diplomatic moves of the Japanese upon the Netherlands Indies which preceded invasion of the country is told in *The Netherlands Indies and Japan* (W. W. Norton and Company, pp. 138, \$2.00), by Hubertus J. VanMook. The Japanese sent two diplomatic missions to Batavia after the German thrust into the Low Countries. That they meant business is apparent from the composition of these missions. The first was headed by an envoy of cabinet rank. The Netherlands government appointed Dr. VanMook, then director of economic affairs in the government-general, as chief of the delegation to negotiate with the Japanese. The second mission, under the leadership of a member of the House of Peers who had been foreign minister, was sent out after the failure of the first. The book makes clear that the Japanese undertook to get what they wanted in the Indies without having to fight for it. It is made up of the texts of memoranda and notes exchanged by the delegations of the two countries, with explanatory comment by the author. The documents are, however, left largely to speak for themselves. The comment, although at times caustic, is on the whole rather disappointing. The author, being himself one of the negotiators, could seemingly have

said more than he here does. The negotiations ended in failure for the Japanese. They did not succeed in incorporating the Indies into their co-prosperity sphere by pacific means. They had to fight for what they got.—RALPH A. NOREM.

One of the latest additions to the "Reference Shelf" is *Canada and the Western Hemisphere* (H. W. Wilson Co., pp. 295, \$1.25). These articles, compiled by Julia E. Johnsen, are devoted mainly to Canada's external relations. They reflect many attitudes, including the prime minister's small-power internationalism, the traditional loyalties and symbols by which many French and British Canadians are moved, and practical considerations that draw Canada close to the United States. The permanent character of the Canada-United States Permanent Joint Board on Defense is stressed in several articles, although the Ogdensburg agreement is not reprinted in the volume. It is significant that the lists here reproduced of Canada-United States intergovernmental agencies were originally issued by the Canada-United States Committee of the Canadian Chamber of Commerce and the Chamber of Commerce of the United States. The reader may be left wondering whether Sir Wilfrid Laurier was defeated in 1911 for being pro-American or whether for being pro-British, and he will probably feel that Canada is deliberately excluded from the Pan-American system. This little volume leaves a clear impression that some Canadians are isolationist, while others are interested both in North American collaboration and in world interdependence, but that they do not think in hemispheric terms. On the other hand, the very fact that the book has been published at New York in 1944 is evidence of the prevalence of hemispheric thinking in the United States.—W. HARDY WICKWAR.

Present-day interest in the United Nations Relief and Rehabilitation Administration makes most timely the publication, in March, 1944, of Hertha Kraus' *International Relief in Action, 1914-1943; Selected Records, with Notes* (Philadelphia: Research Center, pp. 248, \$1.25). In order to provide a workbook for civic and religious groups, as well as for professional workers and interested students of international relief and foreign aid to social reconstruction, the author has summarized records from fifty-seven projects, representative of typical situations which occurred during two devastating wars, and the intervening period. Seven records cover services during World War I, twenty-three relate to problems of reconstruction from 1919 to 1923, fourteen refer to the interim era, thirteen deal with questions originating in the present war. One-fourth are from unpublished sources, reports or case studies made by field workers. The three major sections are: I, Providing Basic Protection: aid to Belgium and Red Cross work for war prisoners; II. Building Community Services: methods of providing food and clothing, housing, proper health services,

child care, aid by employment, education and recreation, leadership; III. Relocating Displaced People: problems which resulted from migration, repatriation, population transfers, and group resettlements. The material was taken from a variety of foreign locations, two-thirds being from twenty-three European countries. The remainder was distributed among the Far East, the Near East, North Africa, and South America. The fifty-seven records illustrate the work of twenty-seven agencies. These are listed, with brief historical sketches and other pertinent data in a section of twelve pages. An extensive bibliography is included.—MONA FLETCHER.

Robert T. Oliver's *Korea: Forgotten Nation* (American Council on Public Affairs, pp. 138, cloth, \$2.25, paper, \$1.50) is propaganda with a two-fold purpose. First, it tries to influence the American public to support the promise of Korean independence given in the Cairo Declaration, and, second, it attempts to create a favorable impression for that Korean government-in-exile whose head resides in the United States. A good job has been done in both particulars, and, considering the inherent defects in such an opinionated study, an amazing amount of history and background is presented. The volume is concise, but gives enough information for the ordinary person to form the desired opinion. It may fittingly be filed with the flood of informational materials issued by all the anti-Axis nations during the present conflict.—ANDREW E. NUQUIST.

POLITICAL THEORY AND MISCELLANEOUS

American social theory, academic and popular, of the half-century before the first World War would be incomprehensible without an adequate appreciation of the influence of concepts transplanted from Darwinian biology. In his *Social Darwinism in American Thought, 1860-1915* (University of Pennsylvania Press, pp. viii, 191, \$2.50), Richard Hofstadter has written a brief but valuable account of the growth and decline of this influence. He traces the growth in the 1870's and 1880's of American enthusiasm for the doctrines of Darwin and Spencer, alluding to religious as well as to scientific reactions. He devotes a separate chapter to Spencer's principal American follower, Sumner, but others, such as John Fiske and Edward L. Youmans, are not neglected. Hofstadter points out that, while the struggle for existence, the survival of the fittest, and the theory of automatic progress were ideas congenial to American believers in unrestrained competition ("American society saw its own image in the tooth-and-claw version of natural selection"), Darwinism was intrinsically socially neutral. He gives an excellent summary of Lester Ward's anti-Spencerian theory of social evolution. Another chapter carries us rather breathlessly through a miscellaneous group of dissenters, from the Social Gospel leaders to Henry Wallace. Hofstadter treats Pragmatism with its reaffirmation of men's ability to control their environment,

as a reaction against Spencerian determinism and "the counterpart in abstract philosophy of the Progressive faith in democracy and political action." By the end of the first World War, and partly as a result of a general reaction against any philosophy of force and imperialism, Social Darwinism, he says, had largely disappeared; he does not regret its departure. This is a critical and discriminating study. One might wish that the author had more frequently related the ideas he examines to the earlier American rationalist tradition, but this does not detract from the value of what he has chosen to include.—JOHN D. LEWIS.

In his *Freedom from Fear* (Harper, 1944, pp. 254, \$2.50), Louis H. Pink outlines the interrelation of domestic and international programs for future economic security. His work is divided into three parts. In Part I, which he devotes to a discussion of freedom from fear and from want and the right to work, his thesis is that economic insecurity lies at the base of all social and political unrest, national as well as international, and that the remedy for this lies in a wider governmental program including all types of social insurance. Appointed by Governor Smith as a member of the state housing board and later superintendent of insurance of New York State, Mr. Pink is now president of the Associated Hospital insurance plan, and speaks with the authority of an expert in the field of housing and insurance, to a discussion of which he devotes Part II of his book. Here the reader finds a clear, concise, eloquent exposition of all forms of social insurance as well as concrete suggestions for the improvement of social security programs, based partly upon the Beveridge Plan and partly upon conclusions drawn from the writer's own experience in this field. Here we find a terse and simple discussion and explanation of the meaning of socialized medicine and a review of all that has been done in the field of social security both at home and abroad, with an evaluation of the progress made. The conclusions in Part II are the product of long years of experience; Part III, on the other hand, is largely theoretical and concerns itself with the implications of international planning for social security and world peace. The writer feels that social security can be lasting only when domestic and international plans are correlated. Like most writers of today, Mr. Pink is concerned about postwar planning for economic security on a world-wide scale. He feels that the peace of Europe lies in a federation of states and in an economic policy resting upon what he terms four pillars of peace, by which he means an international tariff union, loans for food and industry, currency stabilization, and international banking. This is a timely volume of practical interest to the general public. The style is fluent and readable and for the political scientist Part II is of distinct value as pointing the way to a future broad policy of economic stabilization and security.—ELIZABETH A. WEBER.

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AND

MARJORIE H. SIBLEY

University of Illinois

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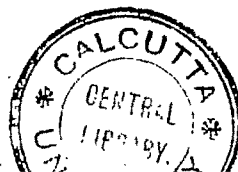
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